

Book Review: Overview of the Appeal Proceedings according to the EPC, Third Edition

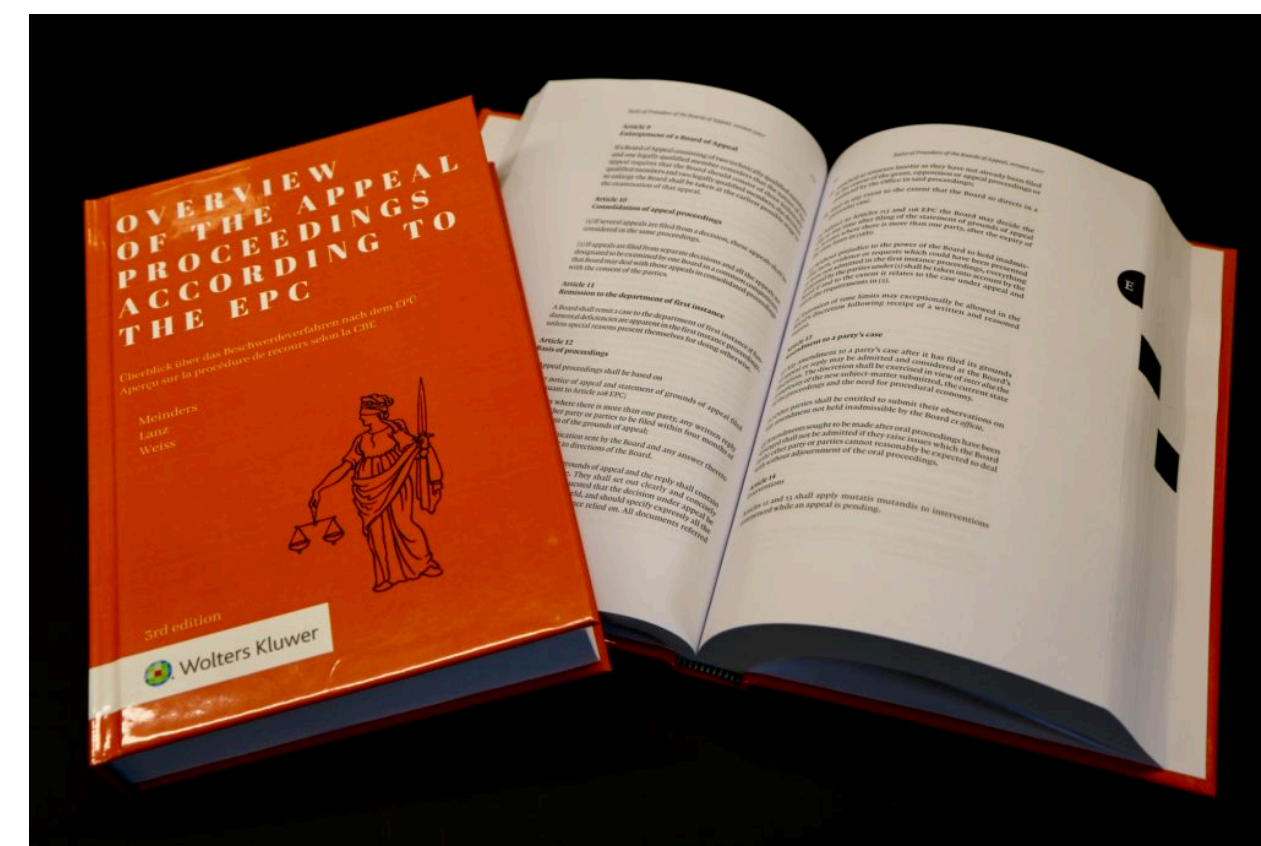
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The new Rules of Procedure of the Boards of Appeal (RPBA), which came into force on 1 January 2020, will be a cornerstone in helping the EPO's Boards of Appeal meet their objectives of settling 90% of cases within 30 months of receipt and reducing the number of pending cases to fewer than 7,000 by 2023.

The changes in the RPBA 2020 are discussed in detail in the book "Overview of the Appeal Proceedings according to the EPC" by Hugo Meinders, with translations into French and German by Gérard Weiss and Philipp Lanz, all (former) members of the Boards of Appeal.



Now in its third edition, the book has been revised throughout to explain the impact of the stricter RPBA 2020 on each stage of the appeal proceedings in an easily digestible format. Where relevant, the book also takes into account the transition provisions of the RPBA 2020 and clearly delineates the position when the former RPBA continue to apply.

One of the strengths of the book is that it is interspersed with practical tips and advice based on experience that cannot be gleaned from reading the rules alone. In particular, the chapter on replying to the statement of grounds helpfully explains how to handle an "amendment" to the appellant's case, defined in the RPBA 2020 as any part of the party's appeal case not directed to requests, facts, objections, arguments and evidence on which the decision under appeal was based.

The timing of the book's publication so soon after the entry into force of the RPBA 2020 does mean that there is little to no case law available that tests the boundaries of the new rules. For example, the limits of "exceptional circumstances" with respect to admissibility of amendments filed after notification of summons to oral proceedings. These areas are highlighted in the book.

The exposition of the procedure before the Boards of Appeal in this book will no doubt be a useful guide for recently qualified European patent attorneys, as well as a practical reference on the RPBA 2020 for more experienced litigators and European patent attorneys handling EPO appeals.

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