

Kluwer Patent Blog

The EPO and User Friendliness

Thorsten Bausch (Hoffmann Eitle) · Monday, August 17th, 2020

Searching the EPO's website for the terms "user-friendly" and/or "user friendliness" will result in your screen being flooded by hits describing the remarkable achievements and ongoing efforts by the EPO to be a fantastic (in the UK they would probably even call it world-beating) service provider for its users. As with other noble goals such as quality, transparency, social responsibility etc., it is certainly to be welcomed that the EPO commits itself to these values. Yet, it would be even more important and welcomed by the EPO's users, if these objectives were also matched by reality.

This is not to make the case that the EPO would not be user-friendly; on the contrary, I think it is doing quite okay on the whole. Nonetheless, there is still room for improvement. In this spirit, let us look at two more developments where user-friendliness has somewhat suffered in the recent past.

Oral proceedings before the Boards of Appeal

I have the fullest understanding for the fact that owing to the need for physical distancing in COVID-19 times, only a limited number of suitable rooms are available on the Board of Appeal premises in Haar and therefore some oral proceedings have to be held in the Isar building in Munich instead. It is also perfectly understandable and acceptable that some oral proceedings which have already been scheduled to take place on the Haar premises will be moved to the Isar building and/or will start a little later so that the starting times of oral proceedings may be staggered. The EPO is to be commended for this prudent approach.

The only problem with this is that the EPO will not necessarily inform the parties about such changes. The following is stated on the EPO's [website](#)

As a general rule, parties will not be sent a communication informing them of a change of venue or starting time. As such changes may take place at short notice, it is up to the parties to consult the online [calendar](#) approximately three days before their oral proceedings to check whether they will take place on the Haar premises or in the Isar building and when exactly they are scheduled to start.

This lack of user-friendly communication may result in a party or their representative, who does not regularly follow this blog or study the EPO's website, arriving at the lovely Haar premises for a 9 am hearing as originally scheduled just to learn that their hearing has been moved to the Isar building to start at 9:30 am (for example). I would not want to be in the shoes of such representatives or parties who then have to race to the Isar building at record speed. Their adrenaline levels may well be beyond healthy levels even before the Chairperson of the Board greets them and opens the oral proceedings.

As an avid user of the EPO, I just wonder why it is not possible to inform the parties of such changes of venue or the starting time by a quick fax or courtesy email.

Unless, and until this happens, dear readers, you have at least been put on notice now: *always check the Boards' online calendar before your hearing*. The TBA's current practice seems to be that all oral proceedings between two parties take place in the Isar building, whereas all ex-parte appeal proceedings and all proceedings with more than two parties are being held in Haar. But please note that I can take no responsibility for this clue, so please always check yourselves.

File Download

Once upon a time, when the EPO was even more user-friendly than it is now, it was possible to download any public EPO file from *register.epo.org* as a zip archive. This was incredibly convenient and useful for us practitioners, particularly when we had to take over a new case, prepare an opposition etc., as it allowed us a convenient access to a bulky file in a structured form. Alas, if you try this now, and if the file you are trying to access is voluminous (1000 pages or more), which in my technical field is nothing out of the ordinary, you are no longer able to do that. Instead you receive the following message:

The page you tried to display caused an error.
The data you requested cannot be retrieved at present. This could be due either to one of the databases being currently out of service for technical reasons or to network problems.
Download contains too many pages.
The maximum total number of pages allowed per download is 1 000.
You could try one of these options:

- Return to the Register home page
- Download from the Publication Server

Needless to say that none of the options that the EPO allows you to "try" will take you anywhere further. You might then consider how to game the system and limit your zip download request to only 800 or 250 pages or so, but the system is utterly merciless - there seems to be no way to obtain the individual documents from a file in the form of an organized bundle. You can either download the whole file (or parts thereof) as one complete huge pdf file and then try to cut and parcel it yourself, or you can download one document after the other, which can be quite tiresome if the file contains several

hundred documents.

I really wonder why the EPO has introduced this change for the worse. If you search the EPO's website for an answer you find the following [here](#):

In order to make access and use of the European Patent Register fair for all users, we have recently implemented some technical measures to regulate excessive use of the system. These measures limit the number of pages that can be downloaded to 1000 pages in one go. To avoid rejection we recommend downloading documents in batches equal to or less than 1000 pages using the Selected documents download.

Important note: if you use ZIP Archive to download, the complete file inspection is downloaded, irrespective of individual file selection.

If you need to download European patent applications or specifications that exceed the 1000 page limit, we recommend you use the European Publication Server (data.epo.org/publication-server)

So why is access and use of the European Patent Register "fair for all users" now, as opposed to in the past? In my humble opinion, the opposite is the case: Now there is an arbitrary limit distinguishing applications for which a zip archive is downloadable, from others where this is impossible.

To be honest, I have no idea about who normally downloads files from the EPO register. I appreciate it is a public service and so I would not exclude that some data-crawling search engines may be eager to retrieve every page on the EPO server in real time. Yet, if this was the problem, there must be other ways to deal with it. At least a page limit of (only) 1000 pages is clearly doing the opposite of providing a "fair access for all users" - it provides easy access to a file in only some cases, i.e. for some users, while severely cutting easy accessibility for others. At the very least, the page limit of 1000 is clearly inadequate for defining a "fair" access to a zip archive of the file.

Why not limit the access to a download of a zip archive (if it has to be limited at all for whatever reason) to one archive per day per user? This is probably more than any normal EP practitioner is able to digest in a day anyway.

Finally, I would be most grateful if one of my colleagues from EPI or SACEPO were to confirm in our comments section that they have already approached the EPO in this regard - or even better, if the EPO removes or at least expands the 1000 page limit again. Not all innovations are improvements, and I don't think reversing this one would break the bank.

To make sure you do not miss out on regular updates from the *Kluwer Patent Blog*, please subscribe [here](#).



Want to improve your IP strategy?

- Manual of Industrial Property
- IP Analytics
- Visser – Annotated European Patent Convention

230+ jurisdictions
36,000+ cases
100+ books
600+ IP law professionals as authors

Request a free demo now
KluwerIPLaw.com

 Wolters Kluwer

This entry was posted on Monday, August 17th, 2020 at 12:42 pm and is filed under [EPC](#), [EPO](#), [Patents](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.