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ViCo for Oral Proceedings at the EPO – CIPA’s view

Richard Mair (CIPA President) · Thursday, December 10th, 2020

It is becoming clear that videoconferencing is inevitable in the long term for all oral proceedings at the EPO. The next generation of users of the system will expect a remote, distributed and technology-based process as a matter of course and, as indicated by the EPO’s recent [Progress Report](#), the technology supports adoption of ViCo now.

In our [response to the consultation by the Boards of Appeal to proposed new Article 15a RPBA](#) on ViCo, CIPA puts the case for the urgent adoption of the same rules as have been implemented at first instance, with the sole caveat that the technology is fit for purpose. The EPO Progress Report and experience in other intellectual property courts has shown that ViCo has indeed come of age bringing benefits of efficiency, accessibility, reduced costs and reduced environmental impact – and the inclusion of all available talent regardless of location.

In a global pandemic with necessary restrictions on travel, this has become a critical question of access to justice. ViCo not only provides this access, but enhances it, while ensuring that appeals are dealt with in an effective and timely manner.

The Boards can mould best practice by adopting the same approach as at first instance and this consistency will bring clarity for users. We strongly oppose so-called “hybrid proceedings” (a mix of in person and ViCo attendance) as being inherently unbalanced. The principles of fair proceedings referred to by the BOAC – fair conduct, right to be heard, right of access – all support the approach of ViCo for all.

The EPO and Boards of Appeal have shown leadership during the pandemic and now have the opportunity to shape the future of the patent system in the EPC Contracting States. We hope that the Boards will join the EPO in leading the way.

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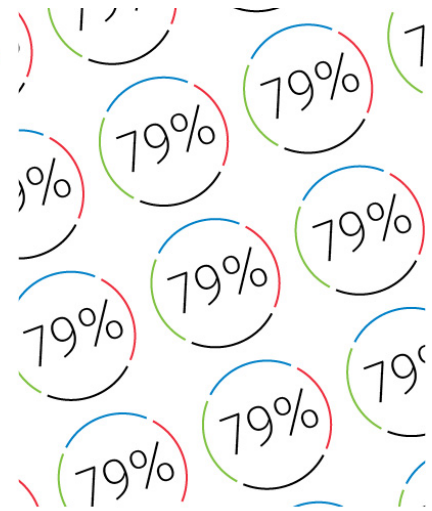
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