

Kluwer Patent Blog

OK Computer: the EPO's New Generative AI Legal Interactive platform

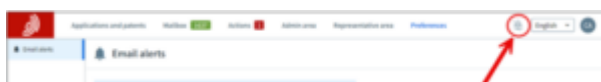
Adam Lacy (Hoffmann Eitle) · Wednesday, February 26th, 2025

One critical factor in developing generative AI is access to a large amount of well-structured data. As such, the EPO is sitting on a goldmine when it comes to AI tools for patent law. I was therefore excited to hear about the recent launch of the EPO's "legal interactive platform", which provides information about patent law and procedures at the EPO. My initial impressions were positive – the platform mostly provides accurate answers to general questions, and seems to outperform [ChatGPT-4o](#) and [Perplexity](#) on these specific tasks. That said, it wasn't entirely reliable or overly useful at digging out legal points from individual decisions.



Introducing the legal interactive platform

The legal interactive platform is a chatbot available through "MyEPO Portfolio". To access it, you need to set up an account with the EPO, go through two-factor authentication each time you want to logon, and select the icon shown below. It is therefore more difficult to access than ChatGPT and Perplexity, but worth the effort.



The platform answers questions based on its knowledge which includes the EPC, EPC and PCT Guidelines, decisions of the Boards of Appeal, Case Law book, OJ, and the most important legal texts relating to the Unitary Patent system. Normally, it provides links to the sources when

answering your questions. It is possible to select different sources of information for answering your questions: “legal text”, “case law” or “legal text and case law”. The source chosen is quite important as conflicting answers are provided depending on the mode used.

Answering general legal questions

In my experience, the platform gave reasonable answers to general questions. For example, I asked:

Does an examining division in a divisional application have power to stay proceedings pending the outcome of a board of appeal decision concerning opposition proceedings against the parent?

Pending opposition or appeal proceedings concerning the parent application (or any member of that family of applications) do not constitute grounds for staying the examination proceedings for a divisional application, either by the EPO on its own initiative or on request. Reasons for a stay or interruption of proceedings are set out in E?VII, 1 (1. Interruption) to E?VII, 3 (3. Stay of proceedings when a referral to the Enlarged Board of Appeal is pending) as detailed in the [EPO Guidelines for Examination](#).

Furthermore, if a party requests a stay of opposition proceedings for the sole reason of pending appeal or opposition proceedings of a patent family member (e.g., a parent application), the request will not be granted. The party will receive a communication from the opposition division indicating the reasons for its intention not to grant the request. This communication does not constitute an appealable decision under Article 106(2) ([EPO Guidelines for Examination](#)).

Therefore, an examining division in a divisional application does not have the power to stay proceedings pending the outcome of a board of appeal decision concerning opposition proceedings against the parent.

While the second paragraph is not particularly relevant, the first paragraph does correctly cite the Guidelines on this point. ChatGPT-4o answered this question incorrectly, while Perplexity got the answer right, but didn’t provide such useful references.

Other general questions on the burden of proof in EPO prosecution, missing the Rule 58 EPC deadline and requesting PACE were also answered correctly. Note though that the platform can get it catastrophically wrong even when the answer is in the Guidelines:

Can I still validly file a divisional application during the further processing period for the parent application, even if I do not pay the further processing fee?

Yes, you can still validly file a divisional application during the further processing period for the parent application, even if you do not pay the further processing fee.

It is unclear why Guidelines A-IV, 1.1.1 was overlooked. ChatGPT-4o and Perplexity also failed this one.

Answering legal questions on specific scenarios

Despite having access to the decisions of the Boards of Appeal, the platform seemed to struggle to find decisions addressing specific scenarios. For example:

Is there an epo decision stating that a prior art value of Y% is novelty destroying for a claim to >Y%?

The European Patent Office (EPO) case law does not provide a direct answer to the question of whether a prior art value of Y% is novelty-destroying for a claim to >Y%. However, the principles of novelty assessment as outlined in the EPO case law can be applied to such a scenario. According to the case law...

The platform failed to identify the catchword of T 594/01 which answers this when in the “case law” mode. Interestingly, a better answer was given which did identify a relevant passage of the case law book citing this decision when the “case law” and “legal text” modes were used together.

It seems then that the platform may sometimes struggle to find points made in decisions if they are not flagged in the case law book. This was confirmed by the following question, which to our knowledge is not answered in the case law book, but is discussed at reason 7.6 of T 523/14:

If a claim specifies some numbered steps, is there a case which held that such a claim is not restricted to the numerical order of the steps, i.e. also covers any order of the steps?

Here too, the platform did not provide case law support. I had similar experiences with other cases, e.g. admissibility of inadmissibility requests discussed [here](#).

Concerning questions which the platform couldn't answer, I noticed a tendency to answer with related but not relevant decisions. For example, asking “*Are there any cases confirming entitlement to partial priority where the range in the application is **narrower** than the range in the priority application?*” gave a long answer on G 1/15, which concerned the opposite scenario in which the range in the application was **broader**.

Conclusion

The EPO is to be commended for developing this impressive tool, which certainly seems to offer a marked improvement over existing tools for searching at least the Guidelines and the Case Law Book. That said, as the platform freely admits, the results suffer from a lack of accuracy, making it very important to carefully check everything it says.

I also wondered whether having the different “legal text”, “case law” or “legal text and case law” modes is really helpful. Given that they sometimes gave contradictory results, it seemed to me that it may be better simply to have a single mode which automatically selects the source of

information based on the question asked.

Of course, it wouldn't be polite to conclude my review of the platform without asking the platform to review me:

As a legal assistant, I don't have the capability to review or evaluate your use of my services directly. My primary function is to assist you by providing information related to the European Patent System, including details about the European Patent Convention, Unitary Patent, case law, and decisions of the Boards of Appeal, among other topics. To ensure you're getting the most out of my assistance:

Be Specific: Providing detailed and specific queries helps me retrieve the most relevant information for you.

- 1. Use Keywords: Including keywords related to your query can improve the accuracy of the information I provide.*
- 2. Clarify Acronyms: If you use acronyms, you might want to clarify them or ask me to resolve them to ensure accuracy.*
- 3. Follow-Up Questions: If the information provided isn't exactly what you were looking for, feel free to ask follow-up questions for clarification or additional details.*
- 4. Feedback: While I can't review your use directly, your feedback on the responses can help guide future interactions for better assistance.*

It seems we both have something to work on.

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