

# Kluwer Patent Blog

## Visser's Annotated EPC 2025 – major updates at a glance

Nina Ferara (United Kingdom Atomic Energy Authority (UKAEA)) · Monday, May 19th, 2025

As spring turns to summer and the days grow longer across EPC Member States (and, in some cases, banish darkness entirely with the midnight sun!), many of us in the IP community eagerly await the release of the new Visser, now in its 33rd iteration! As always, this version includes numerous updates reflecting changes in the law, formal procedures and case law, as well as improvements to the book's content (or so the authors hope).

What can you expect this year? Below is a brief summary of some updates, presented in no particular order.

### 1. At long last – a beginner's guide to the EPC!

This year's edition includes an "Introduction to the EPC" section. The authors recommend that newcomers to the IP profession—whether candidates aiming to become European Patent Attorneys, paralegals, or students—begin their exploration of Visser with this section, conveniently located near the beginning of the book. It provides a brief overview of the EPC, traces the journey of a European patent application through its framework, and covers some key formal matters.

### 2. Revamped patentability section

This year brings an exciting and long-awaited update for readers: a reworked section on patentability, covering Articles 52-57. The update includes an expanded discussion on exclusions from patentability, a detailed and structured description of the problem-solution approach, and insights into specific topics such as computer-implemented inventions and biotechnology inventions.

### 3. Harsher IP Sanctions

The EPC rules have been updated to incorporate the latest amendments to the EU's regulations on sanctions against Russia. Specifically, Regulation (EU) No 833/2014, amended in February 2025, stipulates that Russian nationals, residents, and entities are barred from obtaining new patents (among other types of intellectual property and with some exceptions) in EU Member States. The newly introduced Rule 39(2a) implements this regulation, while Rules 36(5) and 160(3) further clarify its impact on divisional and Euro-PCT applications.

### 4. Equality in IP language

Here is a little experiment – ask your favorite generative language model to create an image of a patent attorney (many now include image generation, which has led to some mild misuse of AI-generated images on social media). Chances are, it will depict a white man in a suit (I tested this with ChatGPT and Mistral’s Le Chat). Since these models are trained on the texts and images they receive, the language we use is crucial in addressing biases within our profession and the field of intellectual property. Therefore, amending the default masculine language of the EPC to be gender-neutral is both timely and essential. Fifty of the EPC rules have been updated to remove the default “he”, primarily referring to the applicant and the representative.

#### 5. Laos joins the validation party

Welcome, Lao People’s Democratic Republic, now a new validation state of the EPC as of 01.04.2025. Details under Art.79.

#### 6. Goodbye, anachronistic tech!

Last year marked the end of an era for two older (dare I say, “retro”?) technologies used by the EPO: fax and smartcards. The online tools and portals offered by the EPO have also been evolving. Online Filing using OLF is set to be retired by the end of the year, Online Filing 2.0 is up and running, and the role of MyEPO is expanding. Further details can be found in the notes to Rule 2.

#### 7. Awaiting EboA’s verdict

Last year, two new cases were referred to the Enlarged Board of Appeal: G1/24 and G2/24. The former addresses claim construction in light of the description, while the latter pertains to the status of an intervener at the appeal stage if all other appeals are withdrawn. Both cases are now included in the case law table preceding the index in Visser.

#### 8. One patent to rule them all – Infringement under UPCA

The notes under Article 64 have been expanded to include an overview of infringement under the Unified Patent Court Agreement. This section now covers the UPC opt-out option for European Patents, direct and indirect infringement, exceptions to infringement, prior use, and the exhaustion of patent rights.

#### 9. Legal practitioners enjoy reduced bureaucratic burden

European patent attorneys, or “professional representatives” as referred to in the EPC, already enjoyed the presumed right to act before the EPO without the need to file authorizations. Now, legal practitioners will also be exempt from filing such authorizations by default, placing them on equal footing with EPAs in this regard. Additionally, the EPO has expanded its acceptance of electronic signatures on authorizations. For more details, see the notes to Rule 152.

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