

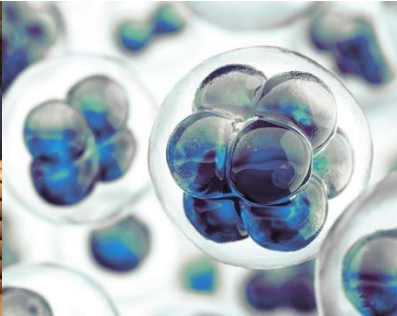


Europäisches
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Oral proceedings via videoconference



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Background – where do we stand

- All oral proceedings before the EPO can be conducted by VICO
 - As from April 2020 all oral proceedings before **examining divisions** are held by VICO
 - May 2020 launch of a pilot project on oral proceedings by VICO before **opposition divisions started** which will run until 31. January 2022
 - July 2021 oral proceedings before the **receiving section** and the **legal division** can be conducted by VICO

Access to Justice ensured - also for complex cases

- Proceedings conducted over up to 5 consecutive days
- Up to 11 opponents in the same oral proceeding
- Up to 44 participants
- Oral proceedings with over 80 members of the public

- Up to 6 witnesses heard in a single oral proceeding
- Inspections have been carried out via VICO

- Well over 1000 requests for public attendance to OPs
(first half 2021)
- Over 800 Oppo proceedings with simultaneous interpretation

Some figures

- Oral proceedings (OPs) by VICO in examination began in 1998
 - In **2019** around 900 such OPs were conducted
- **2020** OPs by VICO
 - 2.326 in examination and 333 in opposition
- **2021** OPs by VICO
 - Up to end September → 2.370 in Examination,
2.627 in Opposition

Tips & tricks (1)

- **Oral proceedings via videoconference:**

new way of working

- **Make yourself heard:**

Get ready for a new level of communication:

- Wave your hand! Indicate immediately when having sound/technical issues
- Ask for breaks
- Speak at normal pace: take your time

Tips & tricks (2)

Setting your scene for enhanced experience

Ideal setting:

- Headset with microphone
- Computer/laptop
- 2 screens (the bigger the better and on the table in front of you)
- Your own (adjustable) camera
- Check the light source (avoid too dark/too bright light, e.g. sitting with the back to a window)
- Use test call possibility in advance (-> interpretation !)

Tips & tricks (3)

- **Virtual background**

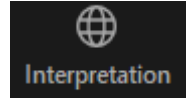
allowed, but be aware exceptions

- **Submissions**

- Via email in pdf format sent to the complete opposition division
- Signature!
- To be sent with consent of the Opposition Division

Simultaneous interpretation in Zoom

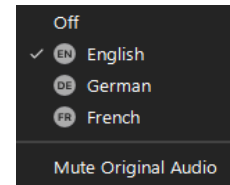
- how it looks & works



- Multiple audio channels
- **Interpreters** are present either in booths (MU, TH) or at home (distributed). Please use a high-quality audio device, especially a high-quality microphone.

✓ **Easy selection of language**

✓ **Possibility to mute original audio**



Interpretation to English

Oral proceedings - **access of the public**

- Participation is restricted to listening
- The oral proceedings may not be recorded/retransmitted by any participant

Oral proceedings - **checking identities**

- **Have your EPO ID badge at hand**, this simplifies the procedure
- **Data protection:**
 - No sensitive data (e.g. birth date, passport number) should be revealed either orally/in the chat/shown into the camera in the virtual OP room
 - Exception: witness hearing
 - Instead, the dedicated non-public **ID-check room** provided in Zoom for ID card/passport check is be used

Oral proceedings - **checking identities**

No identity check required for:

- Members of the public
- accompanying persons, if they DO NOT intend to speak during the oral proceedings

The representative's confirmation that the persons are who they say they are is sufficient for accompanying persons.

Oral Proceedings – **taking of evidence**

- The EPO indicates in the order to take evidence whether the taking of evidence will take place by videoconference
 - Amended Rule 117, 118(2)(a) EPC
- The party, witness or expert to be heard may request to be heard by videoconference even where the oral proceedings are held on the EPO's premises
 - Amended Rule 118(2)(c) EPC
- Inspection of an object may also be ordered and carried out in the form of VICO

Links

Technical guidelines for videoconferencing

<https://www.epo.org/applying/online-services/proceedings/technical-guidelines.html>

e-learning centre: Oral proceedings by videoconference before opposition divisions

<https://e-courses.epo.org/course/view.php?id=196>

e-learning centre: Guidelines2day: Oral proceedings in opposition via videoconference

<https://e-courses.epo.org/course/view.php?id=182>

FAQ: Oral proceedings held by videoconference

<https://www.epo.org/service-support/faq/procedure-law/oral-proceedings-by-videoconference.html>

Coronavirus: continually updated information (including all information regarding oral proceedings)

<https://www.epo.org/news-events/covid-19.html>