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Oral proceedings by videoconference

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Background

- I am a professional representative from Finland working in a medium-sized patent law firm.
- Because of the distance to the EPO, we have been early adopters of the voluntary video conferencing by the Examining Division.



Are they really different?



Key advice for success

- Be open-minded – take advantage of the new tools.
- Remember that new tools are only tools. You don't have to use them because somebody out there told you to do so. Use those tools you feel comfortable with.
- ViCo as such is only a way of conducting the oral proceedings. Don't do anything you wouldn't do in person!



Tools - suggestions

- Use only tools you are familiar with. Use your own computer and a personal headset that works with your computer.
- Use multiple screens. I prefer to use two external screens and a laptop screen as a third screen.
- Have space for printed documents. I still print the most important documents. In my opinion the old user interface is very good, both for reading documents and making notes.
- Make a prompter document where you have the structure of your arguments in the order intended for presentation. You can make changes to the document during the OP based on the argumentation. This way you can address the arguments with the right context.
- There is no 'one size fits all' arrangement. We are all different.

Venue

- Choosing the venue depends on the number of the participants.
- If alone, why not using your own office?
- In case of multiple persons, it is recommended to have an own computer and headset for everybody. For contributing persons, headsets are mandatory in case of interpretation. Have spares. Have a charging possibility.
- If you can't have your technical experts and other interested persons in the same room, consider having an own virtual room for own considerations. Remember to mute the microphone and close the camera for breaks.
- Adjust your camera so that it doesn't show your papers by accident.

Preparation

- Business as usual. Learn all material and submit everything you want to refer to during the oral proceedings. It is only the hearing that is different.
- Organize your materials. I prefer organizing into subdirectories according to requests.
- Copy materials to your own computer.
- Get searchable versions of all documents. Use OCR if the same version is not available.
- On the hearing day, disconnect the VPN.



Possible pitfall

- Decision of the President of the European Patent Office dated 10 November 2020:
- **Article 6: Submissions and their transmission during oral proceedings by videoconference**
- (3) If the opposition division consents, a party may present its screen for illustrative purposes; an item displayed in that way will not be considered to constitute a document submitted by that party.
- If you want to show something, file it first. You wouldn't have shown anything without filing when the oral proceedings were held in person!
- Think about the possible appeal!

Experiences

- Almost no technical problems at all.
- Reduced cost: lowers the bar of participation.
- Improves the possibility to take technical experts and client representatives with you to the hearing.



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Thank you