



November 25, 2020

Honorable Carl Josefsson
President of the Boards of Appeal
European Patent Office
Richard-Reitzner-Allee 8 | 85540 Haar | Germany

Submitted via email to RPBAonlineconsultation@epo.org

Re: User Consultation on an amendment to the Rules of Procedure of the Boards of Appeal (Art 15a RPBA)

Dear President Josefsson:

Intellectual Property Owners Association (IPO) appreciates the opportunity to participate in the user consultation on new Article 15a RPBA 2020.

IPO is an international trade association representing companies and individuals in all industries and fields of technology who own, or are interested in, intellectual property rights. IPO's membership includes 175 companies and close to 12,000 individuals who are involved in the association either through their companies or as inventor, author, law firm, or attorney members. IPO membership spans over 30 countries.

IPO advocates for effective and affordable IP ownership rights and offers a wide array of services, including supporting member interests relating to legislative and international issues; analyzing current IP issues; providing information and educational services; and disseminating information to the public on the importance of IP rights.

IPO welcomes and strongly supports the EPO's and the Boards of Appeals' efforts to allow the holding of hearings by Video Conference (ViCo). ViCo hearings allow participants to save travel time and costs, are desirable from an environmental point of view, and are very much needed in order to promote procedural efficiency, especially in times like the current pandemic. IPO does not express a view herein regarding the general question of whether holding hearings by VICO should occur if a party does not consent, but IPO provides the following comments for consideration:

- IPO believes that "hybrid" hearings (with one or several parties attending live and one or more parties attending virtually) ought to be avoided as much as possible in order to ensure that all parties can participate in hearings on an equal footing. A possible exception is when a party is invited to a conventional hearing which it could attend but it instead chooses to attend virtually. IPO does have a concern about one party

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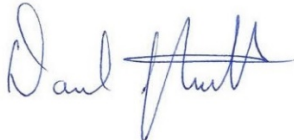
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being ordered to attend by ViCo over its objection when in-person oral proceedings are planned. *See Article 15a(2)*.

- Some IPO members have expressed that their organizations have security concerns with and/or do not permit the installation of certain ViCo platforms. IPO requests the EPO and BoA to take these concerns into account and consider whether it is possible to provide an alternative platform when appropriate.
- IPO believes that it is essential that ViCo hearings offer the same possibilities for the public to attend as exist with respect to conventional hearings, in particular without the need for a member of the public to have to identify oneself.
- IPO believes that it is essential that the right of all parties to be heard does not get impaired or denied if and when technical difficulties arise during ViCo hearings. If participants have technical difficulties, the oral proceedings should be delayed or rescheduled in order to allow resolution of those difficulties.

We again thank the EPO for permitting IPO to provide comments and would welcome any further dialogue or opportunity to provide additional information.

Sincerely,

A handwritten signature in blue ink that reads "Daniel J. Staudt". The signature is written in a cursive style with a horizontal line through the middle of the name.

Daniel J. Staudt
President