

Kluwer Patent Blog

Staff committee EPO supports initiative Industry Patent Quality Center

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The Central Staff Committee of the European Patent Office supports the initiative of important European companies who've requested to do something about declining patent quality at the EPO. In a publication, the committee wrote it 'is ready to contribute actively and constructively (...) respond to external criticism and put quality back on the EPO's agenda'.

The members of this so-called Industry Patent Quality Charter (IPQC, including ATOS, Bayer, Deutsche Telekom, Drägerwerk AG & Co. KGaA, Ericsson, Eraeus, HP, Iveco Group N.V., MTU, Nokia, Physik Instrumente (PI) GmbH & Co. KG, Procter&Gamble, Qualcomm, Roche, Siemens AG, Siemens Healthineers, Syngenta, Vodafone, Volvo) sent a letter to the EPO last month after a meeting with the management, in which they stated: 'we feel that the search and examination quality of the EPO decreased in the last years' and presented requests 'that we would like to elaborate in detail with you in a further constructive dialogue'. These concerned the following topics (explained here in more detail):

- Complete searches
- Complete examination
- User feedback
- Training
- Make incentive system for examiners transparent

The IPQC suggested to the EPO: 'splitting the above topics into the four working groups (1) Search, (2) Examination, (3) Training, and (4) User feedback and Incentive System. We would be grateful if you could indicate suitable representatives of the EPO to set-up joint working groups for these topics. We would be happy to organize and host corresponding workshops over the next months. (...)'

In its publication '[Patent Quality – Can it be put back on the EPO's agenda?](#)' the Central Staff Committee has endorsed the initiative:

'Staff Representation has been critical of management's approach to quality for many years and has denounced the deleterious effects on substantive quality of the "New Career System" (NCS) introduced in 2015 which incentivises examiners to focus on their work as first examiner and in this role to issue as many search reports and grant as many patents as possible, with substantive

quality being secondary to productivity and timeliness. (...)

The Office is in denial

In the face of the converging signals of deteriorating quality, how can management continue to pretend that everything is fine. (...) In his New Year's greetings to staff, Mr Campinos referred to what he sees as general positive feedback from 6000 EPO users and said that "[q]uality is the appraisal of the many – and not the discontent of the few". In other words, the President considers that complaints from the public or users about the quality of EPO patents ? which undoubtedly include IPQC members ? can be downplayed if not ignored. (...)

Which future for (substantive) quality?

Under the topics of "Complete Searches" and "Complete Examination", the IPQC members stress the need to give examiners sufficient time (budget) to carry out their tasks. (...)

The recruitment policies need to be reconsidered, especially the decision not to recruit formalities officers and to replace only 80% of leaving examiners, despite a steady rise in the workload and a predictable wave of retirements of highly experienced staff in the coming years. (...)

Hopefully the IPQC initiative will trigger an adequate reaction that goes beyond denial, window dressing and continuing to hope that progress in IT tools will solve the problems. In addition to an IT strategy that needs to be revised, internal appreciation of the EPO's own personnel and appropriate HR policies are key aspects of a reorientation toward more quality. It is not yet clear whether the IPQC initiative from outside the EPO will achieve what could not be achieved internally: to put patent quality back at the top of the agenda. The Staff Committee will report on the progress made (or lack thereof) in the coming weeks.'

Whether progress has actually been made is not entirely clear, but last Friday, the website [Managing IP](#) reported 'it is understood the EPO has offered a follow-up meeting' with the IPQC.

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