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Generative AI and the Problem-Solution Approach

Cover:
Portrait of a woman
Watercolour, 2023, 23 x 31 cm
by Nyske Blokhuis
(European Patent Attorney, NL)
was part of the **epi** Artists
Exhibition 2024

Nyske Blokhuis

Nyske Blokhuis is a Dutch & European patent attorney and EQE-tutor, working at DeltaPatents. Having practiced many different art forms over time, in recent years Nyske has focused on painting. Her favourite medium is watercolour, but sometimes she also takes a side step to a different medium, such as acrylics or charcoal. Nyske studies with internationally renowned artists such as Tom Shepherd (GB), Michael Solovyev (CA) and Caitlin Leline Hatch (US).

She is a member of the International Watercolor Society.

Nyske Blokhuis ist eine niederländische und europäische Patentanwältin und darüberhinaus EQE-Tutorin und arbeitet bei DeltaPatents. Nachdem sie sich im Laufe der Zeit mit vielen verschiedenen Kunstformen beschäftigt hat, konzentriert sich Nyske in den letzten Jahren vor allem auf die Malerei. Ihr bevorzugtes Medium ist die Aquarellmalerei, aber manchmal weicht sie auch auf andere Medien wie Acrylfarben oder Kohle aus. Nyske studiert bei international renommierten Künstlern wie Tom Shepherd (GB), Michael Solovyev (CA) und Caitlin Leline Hatch (US).

Sie ist Mitglied der International Watercolor Society.

Nyske Blokhuis est mandataire en brevets néerlandais et européens et tutrice de l'EEQ, travaillant chez DeltaPatents. Après avoir pratiqué différentes formes d'art au fil du temps, Nyske s'est concentrée ces dernières années sur la peinture. Son médium préféré est l'aquarelle, mais elle s'essaie parfois à d'autres techniques, telles que l'acrylique ou le fusain. Nyske étudie auprès d'artistes de renommée internationale tels que Tom Shepherd (GB), Michael Solovyev (CA) et Caitlin Leline Hatch (US).

Elle est membre de l'International Watercolor Society.

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INTRODUCTION

Embracing the AI Revolution with Technical and Legal Expertise

M. Thesen (DE), Chair, Editorial Committee

Michael Thesen

The rapid evolution of artificial intelligence is transforming the landscape of intellectual property. In this issue of **epi** Information, we explore how European patent attorneys – with our unique blend of technical knowledge and legal expertise – are positioned not merely to adapt to these changes but to lead their implementation.

This issue features several illuminating articles on AI literacy that merit your attention. An article on AI use at the EPO provides invaluable insights into the patent office's strategic implementation of AI-powered tools. Do not miss this opportunity to learn from the best!

Our profession stands at a privileged crossroads. Few professionals possess both the technical literacy to understand AI capabilities and limitations and the legal training to navigate their ethical implementation. This combination makes European patent attorneys particularly well-suited to lead the conversation on responsible AI use.

European patent attorneys have always operated at the intersection of technology and law. As AI transforms both domains simultaneously, our profession has both the opportunity and responsibility to ensure these powerful tools serve the fundamental principles of the patent system – fostering innovation while providing legal certainty.

We hope that his issue of **epi** Information is not merely informative but brings our collective understanding of how to harness AI responsibly in service of innovation a step forward.

Introduction

Election to Council 2026

Members of the Institute are invited to stand for election to the **epi** Council. Being a Council member means formally representing and championing the interests of the members of your constituency as well as bringing your passions and interests to the fore. You can actively shape the work and services of the Institute, elect the Board of **epi**, and can yourself become one of its members. It also allows you to be part of the body that is leading the **epi** task forces that address issues relevant to the Profession and your own constituency. The responsibilities of a Council member are described in the By-Laws (https://patentepi.org/r/info-2503-3), and include attending the Council meetings, one in Spring and one in Autumn.

At the beginning of next year, the Council of the Institute is due to be elected for its new term. You can declare from 1 October 2025 – 3 November 2025 according to the Rules for Election to Council that you are ready to stand for election or for re-election to the Council. Your nomination can be done online through the **epi** website. The log-in to the **epi** website, including instructions for creating a user account, can be found here: https://patentepi.org/en/login

Alternatively, if online nomination is not possible for you, you can use the nomination paper form that will be mailed to you by 1 October 2025 (please allow a few days for delivery).

All information on the nomination (online nominations and nominations per paper) are available on the **epi** website.

The usual case is that you stand for election in your own constituency, corresponding to your address as registered at the EPO. Your constituency is the State party to the EPC in which you have your place of business or employment. Depending on the number of **epi** members in each constituency, 2, 4, or 6 council members are elected to represent the constituency, and the same number of substitute Council members.

The election shall be by remote e-voting. By 15 January 2026 at the latest, letters to the **epi** members shall be sent by post, providing a web address for a secure website, and a personal password from our independent voting service provider.

If remote e-voting is not possible for you, the **epi** Secretariat will send you a ballot paper by post. You can request the ballot paper by returning a corresponding form that you will receive together with the paper nomination form mentioned above. The form must be received by the **epi** Secretariat at the latest on 3 November 2025.

If you have any questions, please contact
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or email: committees-support@patentepi.org

Patent Practice

Beyond the blank page: Rethinking workflows when drafting patent applications with AI-assistance

Dr. J.-C. Schütte (DE), European Patent Attorney, Patentanwalt

Abstract

The article explores how AI-assisted drafting of patent applications is transforming workflows for European Patent Attorneys. It offers a structured conceptual overview of the current landscape of available patent drafting AI Co-Pilots, categorized by user interface and LLM installation type. Practical guidance is given on how to build technical context for AI Co-Pilots, enabling high-quality automated text generation. Two workflow enhancements, namely drafting in three sessions and cooperative patent drafting, illustrate opportunities to rethink conventional practices. The discussion also addresses the importance of upskilling and offers recommendations on how to begin integrating AI Co-Pilots into productive workflows.

Drafting software tools are one of the most ready AI use cases for patent attorneys

Search tools leveraging Artificial Intelligence (AI) for prior art documents have seen widespread use for several years now. With the advent of Large Language Models (LLMs) about three years ago, another application of AI became available in the intellectual property field.

For many patent attorneys[1], using off-the-shelf LLMs such as OpenAI's ChatGPT became a useful addition to their workflows when uploading and analysing documents was introduced mid 2023. ChatGPT allowed for summaries of

1 For simplicity, the term "patent attorney" is used throughout this article, but the content equally applies to patent engineers and similar roles involved in drafting, and to all genders.

prior art documents or comparisons of the technical content of documents. While results were impressive, these early applications also highlighted accuracy problems such as hallucinations (the LLM lacks context to answer a question but nevertheless presents a wrong answer as factually correct) and limits of reasoning and technical "understanding" the current technology offers. Knowing how to instruct an LLM, providing its role and the data to analyse, in short "prompting", became an essential skill when using LLMs.

In 2023 first dedicated software products for patent attorneys were launched, initially mostly for patent application drafting, but today basically for any reoccurring task in the IP field, from responses to office actions to licensing.

From testing many tools himself and keeping up with the latest benchmark studies, the author is under the impression that today the use case of Invention Disclosure support tools for inventors is ready for widespread use in companies, given that confidentiality requirements are met. Here, the LLM assistance can for example include writing aid for inventors that are not native speakers of the language required for the invention disclosure or asking inventors clarifying questions to enhance the quality right when the invention disclosure is put together. It remains a legal requirement though that the technical solution section must be conceived solely by a human contributor, as some jurisdictions have already clarified that an AI tool cannot be an inventor of a patent.

For responses to office actions, freedom-to-operate studies and oppositions, a different skill set than generating supporting disclosure is demanded from LLMs. Here, the software tools must attempt a feature-by-feature analysis of various documents. AI-based tools for these tasks are useful additions to any patent attorney's workflow, but one can often recognize that limitations of the technical "understanding" of the AI tools are more obvious than in drafting.

For patent application drafting the interested reader can find several dozen software solutions in the market as of summer 2025. When generating text for the general as well as figure description of a patent application draft, the software tools have proven to be very helpful in allowing for more technical depth and time-efficient drafting by experienced users. Drafting therefore remains the prime example of LLM usage by patent attorneys. Therefore, this article focusses on providing an overview and insights into AI-assisted drafting of patent applications.

Approaches to AI assisted drafting

When utilizing LLM technology for drafting, users can apply off-the-shelf LLMs available on the internet, often even for free. However, confidentiality of a client's invention might not be sufficiently secured in such an environment even if users select options that uploaded information will not be used for training purposes for next generation models. Therefore, most patent attorneys tend to use such tools solely for unproblematic requests such as providing text suggestions for a technical background section or definitions of technical terms. This way the full extent of the invention and its context is not uploaded.

More tech-savvy patent attorneys have turned to local installations of LLMs after Meta's Llama models became available for free, thereby circumventing any confidentiality issues as no client data is uploaded anywhere. Due to the required knowledge and time for setting up and regularly updating such a system, as well as working with it in command line mode, this approach might however not be feasible for most IP specialists.

Therefore, users today often turn to dedicated software tools, often termed "AI Co-Pilot" (highlighting that the patent attorney is still in the pilot seat). Such tools typically provide easy-to-use graphical user interfaces and guarantee, to various extents, that confidentiality concerns are met.

A structured conceptual overview of the current Co-Pilot landscape

Before choosing a software provider, patent attorneys should comprehend the various concepts of current AI Co-Pilots. They can best be understood by categorizing them in two dimensions: User Interface and Type of LLM that's used.

User Interface Concepts

Turning first to the type of user interface employed, three different approaches can be distinguished: Microsoft Word Plug-Ins, Custom Websites and Full Editors.


Dr. Jan-Christian Schütte

The Word Plug-in model integrates directly into a familiar and widely used software environment. For patent attorneys, this minimizes the learning curve and allows seamless adoption within existing workflows. Such plug-ins typically lack advanced drafting features, such as editing of figures or automated generation of flowcharts.

Custom Websites offer a leaner interface that is still easy to use, with browser-based access. Like the plug-in, they maintain a straightforward user experience but usually don't allow for figure creation.

The Full Editor represents the most comprehensive and capable interface. It supports the entire drafting workflow from uploading invention disclosure and prior art input, creation of text and figures within the tool and finally export of a finalized patent application. Full editors can include automatically drafting flowcharts and simple system diagrams based on claimed features (extracted from the draft), automated generation of figure descriptions via computer-vision as well as manual figure editing plus managing of element labels.

LLM installation
The second aspect to consider is where the LLM that the AI Co-Pilot uses is installed.

Locally hosted LLM tools offer the highest level of data security, as all information including confidential invention disclosures remains offline. Additionally, local installations can technically support offline use, although in practice this is rarely required. However, these systems are often complex to install and maintain. Users require above-average IT skills. Updating to a newer model requires careful revalidation of prompts and workflows to ensure consistent output quality. Performance can also be a limitation, since hardware constraints of typical office laptops may result in quite slow response times of the LLM.

Agnostic systems offer a middle ground where the LLM may be cloud-based or locally hosted. For the local installation, the setup is essentially the same as described beforehand. When the user instead uses API access (a predefined interface) to a cloud-based LLM service, typically a "off-the-shelf" model is connected that is not specifically adapted to patent drafting. This user selection of the model to be connected has sometimes been adapted by providers of existing Drafting Tools that have enhanced their Drafting-specific editors with AI support. The text generation speed of cloud-based LLMs can be close to real-time, allowing for a very interactive mode of iterative generation and human revision.

Cloud-based Co-Pilots have a built-in connection with one or several LLMs that often have been finetuned (a pretrained LLM is further trained for a specific task) to the patenting use case by the software provider. All technical issues such as updates and integrating new functionality are managed.

While concerns around confidentiality for uploaded client data have to be taken seriously by patent attorneys, many organizations are already accustomed to working in cloud environments and rely on tools such as Microsoft Office365, Teams, and Azure, without ever questioning data security. Software providers of AI Co-Pilots hence have the same responsibility for data security as Microsoft does for their cloud services. They must ensure strong encryption, data segregation between cases and clients as well as a zero-data-retention policy. All of these requirements can be checked by independent IT Audits initiated by the provider, offering patent attorneys a solid basis for trusting the services.

Considering ease-of-use, text output quality and text generation speed, cloud-based Full Editors currently appear to be the best choice for most organizations and therefore continue to get a lot of attention. Such tools are often amongst the top-rated Co-Pilots in benchmarking studies when it comes to the quality of automated text generation, because the software providers significantly adapt the used models to the patent drafting use case.

Before selecting an AI Co-Pilot, patent attorneys should also consult legal requirements and professional guidelines.

The epi guidelines on use of Generative AI in the work of patent attorneys

Concerns regarding client data confidentiality have already been addressed by the **epi**, providing general guidance for European Patent Attorneys. The guidelines of November 2024 do not favour any mode of operation (local or cloud-based) but clarify on a more abstract level what to consider when drafting with AI. The guidelines essentially state that the patent attorney signing off on work products such as a patent application retains full responsibility for quality and factual correctness, no matter how a document was created. This was true before AI when trainee patent attorneys and paralegals might have been involved, and it is true now when parts of the text generation are automated with AI Co-Pilots. Patent attorneys must make sure that clients are informed on the intended use of AI tools in their case, as well as that the chosen AI tools guarantee data confidentiality and that uploaded data is not used for training purposes. Furthermore, the usage of AI tools doesn't have to be disclosed to patent offices, unless regulation other than the **epi** guidelines demand it.

Rethinking Drafting Workflows when integrating an AI Co-Pilot

The Introduction of AI Co-Pilots presents an excellent opportunity to rethink established workflows and processes. Instead of starting with a blank page in a word processor, patent attorneys can adapt their drafting workflow to leverage the AI capabilities of the tools. The author presents an exemplary workflow in the following paragraphs to highlight practical considerations when using a cloud-based Full Editor in the patent drafting process.

Building context
The first step is to build context for the LLM to "grasp" the technology. This includes uploading the invention

disclosure and prior art as well as existing figure sketches (if available), and then completion of figures and figure descriptions with AI support. Once this context has been built, text generation quality is in general good. How context is built will be explained in more detail in the following paragraphs.

After uploading the invention disclosure, clarifying questions can be generated with the LLM. The questions are then either asked to inventors, or the patent attorney fills the gaps in the disclosure to the best of his or her knowledge. Additionally, the Co-Pilots can automatically add disclosure for alternative applications and embodiments based on the original disclosure, enhancing it further. Next, known state of the art documents can be uploaded or searched with an AI search tool. This adds further to the context that's available for the AI.

After that, figure drafts can be created in the tool by either uploading existing figures, manually sketching them in the editor or automatically generating them with AI. The latter has seen major improvements in the past months, today allowing for not only generating flowcharts and simple system diagrams in simple "boxes and arrows" style, but even converting any colour picture of a machine to a simplified black and white line drawing in 3D. While not being perfect, the results are often impressive and serve as a solid starting point for quick and easy improvements by the human in the loop. Finally, reference numerals should be added to the figures and the final figures can then be analysed with the computer-vision functionality available in many current multi-modal LLMs. Making use of the context that's already there, the tool can provide an initial text description of the depicted features. The quality of these automated interpretations varies greatly, depending on the available depth of the context and the complexity of the figures themselves. Therefore, it is advisable to critically review the figure descriptions and correct and expand were necessary. Once the figure description is correct and complete, the context has been sufficiently built.

Claim generation
With this information being available, claims can be generated for several claim categories. The author observed in his own practice that after the previous steps had been carefully taken, technical accuracy of the automatically generated claims is usually quite good, e.g. both for mechanical engineering and computer-implemented inventions. That means that logic and patent language are reasonably good, there are no clarity issues, and some generalizations are introduced automatically (e.g. from "car" in the invention disclosure documents to "vehicle"). Interestingly, also concepts like thresholds for parameters are often introduced in a meaningful way despite not being explicitly disclosed in the uploaded documents. On the negative side, the wording appears to be not as "on point" compared to an experienced human drafter. Another interesting observation is that all tools known to the author tend to introduce too many non-essential features into the independent claims, explaining too much and therefore potentially rendering the scope of protection too narrow. While this flaw might be overcome by appropriate prompting to some extent, it remains that an experienced patent attorney might chose a claim structure based on experience in prosecution, oppositions and enforcement as well as discussions with the client regarding competitor products and strategies. Such considerations today often can't be easily verbalized, if at all, and added to the context for the AI Co-Pilot. Consequently, currently it is best practice to take inspiration from automatically generated claims but essentially the patent attorney should heavily rephrase and restructure the claim set to assure the highest quality.

Description generation & templates
For the various sections of a patent application, such as technical background, problem statement, advantages of the claimed solution, support for the dependant claims (see Deep Dive 1) and figure descriptions, specific prompts can be engineered to steer the AI Co-Pilot towards the desired output. In some AI Co-Pilots, these instructions are stored in prompt libraries while others combine various prompts for several sections in so-called patent application templates; both approaches amount to essentially the same benefit of customized text generation.

This customization is further enhanced if the patent attorney adds text passages from existing, manually crafted patent applications, to each specific prompt. The examples guide the AI on the level of detail, style, wording, structure and reasoning expected in the output. With such detailed instructions, a patent attorney might construct sets of prompts (or a template) that is customized for one client based on text examples taken from previous patents of this client. As a result, the work product will be close in style to what the client is used to, presumably making manual quality checking easier. Another noteworthy effect can be that teams of patent attorneys serving one client can produce patent applications that are more uniform in style, adding to the effect of easier quality checks. Similar benefits are achievable when prompts or templates are designed not only for specific clients, but also for technical fields, e.g. differentiating between mechanical engineering and computer-implemented inventions.

Quality & Proofreading
In the author's experience, overall initial quality of a section generated by an appropriately prompted tool (that is given the context as explained above) can be in the ballpark of 80% directly useable text, while the remaining 20% must be revised with human supervision.

1. Create Individual Paragraphs for Claims:
- Draft at least one paragraph for each dependent claim (starting at claim No. 2) of the first claim category in the claim set.

2. Paragraph Structure:
- Begin each paragraph with the following phrase:
<format>
„In a further preferred embodiment of the inventive [claim category]"
</format>
- Replace [claim category] with the actual category of the respective claim (e.g., method, system, device).
- Recite the wording of the claim, adjusting the grammar to match the starting phrase. Make sure and double check not to paraphrase, shorten or miss words from the respective claim.

3. Elaboration on Claim Features:
For each claim feature mentioned in its respective paragraph:
a) Elaborate in great detail on the advantages of the embodiment.
b) Discuss potential alternative ways of implementing or realizing the technical aspects of the embodiment.

<example>
In a further preferred embodiment of the inventive bicycle brake system each of the first and the second units of the rear disc brake comprises a hydraulic caliper. This is an advantage, because a hydraulic caliper allows for a strong braking force while at the same time the strength of the brake response can be finely tuned by the driver.
</example>

4. Notes:
- Ensure that each paragraph follows this structure and provides comprehensive information about the claim features, their advantages, and potential alternatives.
- The examples provided above are for illustration purposes only. Your response must be based on the provided patent application documents.

Deep Dive 1: Exemplary prompt for substantiation of dependent claims, first claim category

A quite interesting functionality in some AI Co-Pilots is the capacity to perform a wide range of quality checks automatically. This can include highlighting technical terms that might not be sufficiently defined or profanity that should be rephrased. Again, these functions can be customized by the user to facilitate proofreading. Alternatively, one might perform similar checks with any properly prompted LLM installation instead of an AI Co-Pilot. The author suspects that context-sensitive automated proofreading is a very valuable workflow improvement even for patent attorneys that do not want to generate patent applications with AI support (yet?). It goes beyond the ubiquitous spelling and grammar checks performed by word-processors that have become a standard in our profession. Given the ease of use of spell-checking features, today's patent attorneys would never send a draft with many misspelled words to a client. Starting now, patent attorneys might similarly avoid issues such as terms that are not defined properly and insufficient support for an embodiment, all of which could have easily been spotted automatically with LLM support before filing.

Once the application text body is generated, a review has to take place to check for clarity, factual correctness, completeness and a logical "storyline" progressing from embodiment to embodiment. With cloud-based Full Editors, the speed of text generation is so fast that a back-forth-interactive review is possible. The patent attorney may for example identify a certain text passage to be incomplete and hence prompt the AI to add a few sentences, e.g. on how exactly the system could be set up technically if a data analytics step was done in a cloud environment instead of a local device. As a result, an iterative improvement of the disclosure can be performed until the quality reaches the level that the human expects. Alternatively, patent attorneys can of course rewrite the description manually.

Advanced workflow improvements

Once a patent attorney has mastered drafting with an AI Co-Pilot, how can he or she leverage his or her new knowledge further? The following paragraphs suggest two improved workflow ideas: Drafting in three sessions and Collaborative Drafting.

Drafting in three sessions

A common problem for many patent attorneys, both in private practice and inhouse, comes with the time requirements for manual drafting. It is often difficult to carve out several consecutive half-days, let alone full days of focus time in one's calendar. The resulting overall preparation time for a draft tends to stretch out in many short sessions over weeks, which is inefficient because the patent attorney will need significant time to reread and freshen up his or hers understanding of the technology and the draft structure each time a new drafting session is commenced. With the efficiency gains made possible with automated text generation, this process can be simplified and sped up.

In a first session, typically a few hours long, the patent attorney can read the invention disclosure, the state of the art and then build the context for the AI Co-Pilot as described above. Uploading documents, converting images and placing reference numerals are steps that can even be performed by appropriately trained paralegals. Once the figures, initial figure descriptions and the claim set are ready, the first session is completed.

At the beginning of the second session, the patent attorney discusses the claim set and the figures with the inventors. After receiving feedback, claims and figures can be revised if necessary. Then all other sections of the patent application draft can be automatically generated while the human makes sure that all instructions are completed correctly. In addition, first corrections and additions can be made directly (manually or prompted), e.g. to add a further definition of a technical term or to provide more technical background for an embodiment. With that, the second session is completed.

In the third session, the slow but rewarding manual review of the complete application must be performed as described beforehand. After a few hours, the draft should be ready for submission to the client for feedback or direct approval.

In this workflow, review of the completed application documents is facilitated by two aspects. First, the client had already been educated on the structure and the wording of the claims in the second session. Second, usage of client- and technology-specific prompts (or templates) assured that the structure and style of the generated text body is similar to previous applications known to the client.

Collaborative drafting with AI-assistance

Larger companies with inhouse patent attorneys can suffer a conflict of objectives. On the one hand it makes sense that all high-value patent applications are drafted by inhouse patent attorneys who have expert knowledge on the technology of the company, making sure that the best innovations of the company are best protected. On the other hand, inhouse patent attorneys are often very busy with the operational day-to-day work of managing large IP portfolios. This can result in long-delayed completion of patent application drafts or simply in that some high-value patent applications can't be drafted inhouse, underutilizing the inhouse patent attorney's expertise.

With the advent of AI Co-Pilots, inhouse patent attorneys could try a new approach. They can manually prepare a claim set, figure sketches and reference numerals in close alignment with the inventors. Then this scaffold application draft can be handed over to a patent attorney in private practice, who additionally reads the invention disclosure and the state of the art documents and uses an AI Co-Pilot to complete the application within a few work hours. With this workflow, the inhouse attorney brings his or her knowledge to the table but is less burdened with the time-consuming later steps of drafting. The application draft can be completed for the highest quality of disclosure in a time- and cost-efficient manner.

Where to start if you want to get into AI assisted drafting

Various tests of AI Co-Pilots for drafting patent applications are available on the Internet[2] and on LinkedIn. The top tools in user satisfaction appear to be quite stable in the rankings, indicating them to be a good starting point for patent attorneys who want to start drafting with AI support. Given the breadth of different concepts available in the market, it might make sense for a patent attorney to demo several tools before deciding which one to license and work with. Patent attorneys should select only software providers that have been independently audited and provide appropriate security measures as stated before.

Most software providers today charge flat fees in the range of 200€ - 800€ per month per patent attorney for unlimited use of an AI Co-Pilot for drafting, which is the equivalent of a few billed attorney hours per month. In other words, costs for the tools can be easily recovered if a patent attorney drafts several patent applications per month with such a tool and presumably saves hours of work on each one. However, if a patent attorney does not engage in drafting every month, costs could be prohibitive.

Adopting AI-based workflows is not just about licensing the right tool, but also about law firms and industrial IP departments acquiring new knowledge and a new skillset. Hence, the next two sections will cover upskilling of patent attorneys and training of candidate patent attorneys.

Upskilling of patent attorneys

While it is often propagated that any professional should become an expert in prompting and customizing LLMs, the continuous amount of work time (and associated opportunity cost) required to keep up to date with the technological developments might be prohibitive for individuals and organizations alike. It seems reasonable that not every patent attorney needs to become a prompt engineer and customize their own prompt libraries and templates. Most of the time, getting training through online courses on the underlying principles and limits of current LLMs plus training for a specific tool will suffice.

2 e.g. "GenAI patent drafting tools under scrutiny" by Sébastien Ragot and Lionel Vial, published 02/25 on https://www.iam-media.com

A best practice solution for teams of patent professionals would be to have a "multiplier". This person becomes an expert user and helps others to setup their instructions, e.g. for different sections of a patent application, using advanced prompts and individual text examples from own hand-made applications of the respective colleagues.

Training of patent attorney candidates

Patent attorneys will need to sign off on any work product created, no matter if hand-crafted or AI-generated. In the author's opinion, future patent attorneys will most likely only be able to be efficient quality gates for AI generated text passages, if they learned the skillset for drafting in the traditional manual way first.

Therefore, candidates should early on in their training learn to develop a mental model for what's important in each case, including trial and error in iterative discussions with an experienced patent attorney. This way, one can learn the craft including how to present an argument well in writing and orally. Once the manual approach has been internalized, candidates are ready to enhance their skills with AI-support.

Conclusion and Outlook

AI-assisted drafting of patent applications is a use case of AI that's ready for broad implementation by patent attorneys. With the advent of cloud-based Full Editors, systems that are able to also assist with figure creation, the user can build broad technical context for an LLM and automatically generate large parts of the description with a high initial quality. However, formulating claims at the level of an experienced patent attorney appears to be elusive for today's AI Co-Pilots. Taken together, drafting a patent application in part changes to a review und improvement role. In the end, the patent attorney always remains responsible for the content of a patent application draft and has to assure accuracy, legal correctness and completeness.

With updated workflows that incorporate an AI Co-Pilot, patent attorneys can either save a significant amount of time when drafting or increase the depth of the technical disclosure in the description at a given time budget.

Currently, the advancement of reasoning capabilities in AI systems remains impressive, but no one – not even the developers of the AI systems themselves – knows how far the abilities of AI systems can be improved in the next 5-10 years. We live in a world now that not so long ago could have been the setting of a science fiction novel.

Expert predictions range from a steady and relatively slow incremental increase in AI capabilities, technological breakthrough scenarios where artificial general intelligence (AGI) disrupts pretty much the whole labour market, to runaway self-improvement scenarios where artificial superintelligence (ASI) emerges. Therefore, it seems impossible to make trustworthy predictions for what lies ahead for patent attorneys in terms of available AI assistance, but surely the current systems will only improve over time.

If patent attorneys keep adapting to the challenges, but also to the novel business opportunities that AI-based workflows provide, our profession will prevail and continue to provide valuable legal guidance for clients in protecting their best innovations.

Prompt, revise, repeat: the future is now!

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Generative AI and the Problem-Solution Approach:

Does the Skilled Person Query a (Historic) Large Language Model When Trying to Solve the Objective Technical Problem?

N. Gierse (DE), N. Buchheim (DE), J. Möller (DE), T. Kaufmann (DE)
Patentanwälte

PATENT PRACTICE

This article was written by the authors using a customized retrieval augmented generation (RAG) system employing source referencing with state-of the art reasoning capabilities. LLMs were run on compliant EU cloud servers In addition, custom on-premise hardware with archived Open Source LLMs was used.

Abstract

The rapid evolution of generative artificial intelligence (AI), particularly large language models (LLMs), raises fundamental questions for the assessment of inventive step at the European Patent Office (EPO). This article explores whether, under the EPO's problem-solution approach, the notional skilled person should be assumed to utilize such models when tasked with solving the objective technical problem. The analysis considers the legal framework, the nature of the skilled person, and the potential impact of generative AI on the assessment of inventive step, offering scenarios ranging from no impact to transformative change. The article concludes with an outlook on possible implications for the problem-solution approach and alternative inventive step tests.

1. Introduction

The assessment of inventive step at the European Patent Office (EPO) is anchored in the problem-solution approach, a structured methodology that places the "person skilled in the art" at its heart. This notional figure is tasked with solving the "objective technical problem" derived from the closest prior art, using their common general knowledge and the state of the art as of the priority date (EPO Guidelines 2025 ed., G-VII, 3; 5).

In recent years, Large language models (LLMs) have become ubiquitous due to their enhanced capabilities. LLMs are widely used in different fields, including professional patent work. Consequently, the **epi** has issued guidelines (https://patentepi.org/r/info-2503-1) for LLM use by patent professionals for client work.

Thus, the question arises: **should the skilled person, as a legal fiction, be assumed to query such models when seeking solutions to technical problems?** This article examines this question with the Llama 2 family of LLMs released in 2023 as a starting point and discusses the broader implications for inventive step analysis at the EPO.

2. The Problem-Solution Approach and the Skilled Person

The EPO's problem-solution approach comprises four main steps (EPO Guidelines 2025 ed., G-VII, 5, modified numbering):

1. **Determining the closest prior art**
2. **Determining the distinguishing features of the claimed invention**
3. **Establishing the objective technical problem**
4. **Considering whether the claimed invention, starting from the closest prior art and the objective technical problem, would have been obvious to the skilled person.**

The skilled person is a legal construct: "a skilled practitioner in the relevant field of technology who has average knowledge and ability" (EPO Guidelines 2025 ed., G-VII, 3). This person is presumed to have access to the entire state of the art and the means and capacity for routine work and experimentation. The skilled person is not an innovator, but is diligent, methodical, and equipped with the common general knowledge of the field.

3. Generative AI as a Tool for the Skilled Person

3.1. The Emergence and Proliferation of LLMs

The field of generative AI is evolving at a remarkable pace, with new LLMs being released almost weekly. These models are trained using vast corpora of text and are capable of generating, summarizing, and reasoning over technical information. An overview of release dates for open weight LLMs can be found at https://github.com/eugeneyan/open-llms. At the time of writing, more than 2 million models are publicly available on the popular repository "Hugging Face", https://huggingface.co/models. Here, LLMs can be downloaded, archived and run at a later date.

A popular example that starts to become potentially relevant for assessment of inventive step is "Llama 2", released by Meta in August 2023, which serves as a practical example for this discussion. However, the legal and practical questions raised here apply equally to other LLMs, both current and future. Notably, LLMs typically have a publication date – if released. Further, they have a training cutoff date of the data used when training the model. In the following, we will focus on the publication date.

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Nikolaus Buchheim

4. Scenarios for the Impact of Generative AI

The EPO Guidelines recognize that the skilled person's knowledge and tools evolve over time (EPO Guidelines 2025 ed. G-VII, 3 with reference to T 774/89 and T 817/95). If LLMs are becoming more common but are not yet standard, their use may be considered in some fields but not others. The skilled person may be assumed to be aware of LLMs, but not to rely on them as a primary problem-solving tool in all domains. The following sections discuss different scenarios of LLM use for assessment of inventive step and implications.

4.1. Scenario 1: No Impact

Legal Argument based on the Fictional Nature of the Skilled Person

One could argue that the skilled person, as a legal fiction, does not use real, existing tools. The skilled person is a construct for a thought experiment, not a proxy for actual experimental practice. The assessment of inventive step is not an empirical exercise, but a legal and conceptual one. Thus, output generated from an LLM—such as Llama 2—should only be considered if it was actually available as part of the state of the art before the relevant date (i.e., before the priority date of the application or patent).

Argument: Hypothetical LLM output is irrelevant

Under this view, it is not sufficient that an LLM could have produced a particular output before the priority date; instead, there must be evidence that such output was actually available to the public before that date. This is consistent with the established legal principle that only information made available to the public before the priority date forms part of the state of the art (EPC Art. 54(2); EPO Guidelines 2025 ed. G-VII, 3.1). The mere theoretical possibility that a model could have generated a solution is not enough. In other words, what an LLM could have potentially generated can be deemed as irrelevant; just as prior art that potentially could have been published by a human writer – but was not.

Argument: No Mixing of Fiction and Experiment

To provide the objective technical problem (which is itself derived from a legal analysis of the prior art and the invention) to an LLM and then use its output as evidence of obviousness would mix the fictional domain of the skilled person with the experimental domain of a real-world tool. Since the objective technical problem can only be determined in view of the closest prior art, introducing a (non-fictional) LLM into this process risks undermining the legal fiction of the skilled person. Doing so would add to the conceptual analysis an empirical, post hoc element into what is meant to be a conceptual analysis.

Case Law Support

Recent EPO Board of Appeal decisions T 1193/23 and T 206/22 have held that the output of LLMs such as ChatGPT does not reflect the skilled person's understanding, as their responses are context-dependent, based on unknown training data, and not anchored to the knowledge at the priority date. However, at least the last objection would be overcome by using archived versions of LLMs which were available before the priority date, e.g. Llama 2 when assessing inventive step for a patent application filed in September 2023 or later.

Implication

Inventive step is assessed as before; the skilled person does not use LLMs, and the presence of generative AI does not affect the obviousness analysis unless the output itself was made available to the public before the priority date. Under such assumptions, any non-published output by an LLM is irrelevant, as it was not available to the public and the possibility that it could have been created in the past is as irrelevant as a publication that could have been written but was not.

4.2. Scenario 2: Strong Impact

Legal and Practical Implications

In this scenario, the skilled person is assumed to use LLMs as a standard tool. For applications filed after the release of a given model, the skilled person would routinely input the objective technical problem into the LLM and consider its suggestions as part of their problem-solving process.

Including generative AI in inventive step assessment would have profound implications for both the EPO and law firms practicing patent law. It would become necessary to conduct experiments on different checkpoints of LLMs (for example, those available at Huggingface.co https://huggingface.co/models or other repositories) corresponding to the relevant priority date. These checkpoints would need to be preserved and made accessible, and the models would play a key role in assessing inventive step.

Stochasticity and Experimental Parameters

However, this approach is complicated by the fact that LLMs behave stochastically. Querying LLMs (“inference”) is done by providing a seed number (usually, a random number leading to variations in outcome for each run of the model even with identical question) and model parameters such as temperature, top-p, and others which can be arbitrarily configured and govern how the sampling of the actual LLM output is obtained (see How to Tune LLM Parameters for Top Performance: Understanding Temperature, Top K, and Top P | phData[1] for an overview with basic examples how such parameters affect output).

In other words, a vast parameter space is available to generate LLM outputs and re-runs may yield different, potentially contradictory, outputs. As with all empirical sciences, the question arises: what constitutes a “significant” output? How many runs are needed? Must the LLM solve the objective problem with with a given probability as in the claimed invention to render it obvious or is a single LLM output sufficient to demonstrate obviousness? What is the threshold for reproducibility or consensus? These are not trivial questions and would require negotiation and standardization, leading to disputes over methodology and interpretation.

Implication

If the notional skilled person is assumed to routinely use LLMs, the bar for inventive step could rise significantly. When an LLM presented with the objective technical problem is capable of outputting the claimed solution, the conclusion may be that the invention is obvious.

1 https://patentepi.org/r/info-2503-2

This would be different from adopting the broader “MOSITA” (Machine of Ordinary Skill in the Art) paradigm—under which the skilled person is wholesale replaced or continuously augmented by AI (see Fabris, IIC 2020, 685). Instead, injecting an LLM only at a single, well-defined stage of the problem-solution approach would in effect create an “LLM-augmented skilled person”.

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On a conceptual level, the attempt to solve the objective technical problem by the skilled person would be transformed from a purely fictional legal consideration to a hybrid of empirical data (experimental LLM outputs) and legal reasoning (the fictional skilled person), in a way comparable to a witness testimony or an expert report.

If accepted, numerous practical questions arise, namely: which questions are asked to the LLM?, may they be reformulated?, how many outputs are generated?, what happens if the outputs are contradictory etc.? Notably, a key question would be: who runs the LLM experiments? The European Patent Office, each party (for example in opposition proceedings), an independent expert or all of the above?

4.3. Scenario 3: Medium Impact

LLM output as hybrids between legal argument and evidence

In this intermediate scenario, a fictional interaction of the skilled person with an LLM could be considered analogous to expert opinions or witness testimonies. In inter-partes proceedings, such evidence could be provided by the parties legally assessed by the EPO.

If the skilled person could have used an LLM, an argument might be required whether or not the skilled person would have used an LLM in the case at hand (similar to the could/would approach). Consequently, the EPO might include LLM assessments for inventive step as well.

5. Discussion: Legal and Practical Considerations

5.1. The Nature of LLM Outputs

The EPO Boards of Appeal have cautioned against equating LLM outputs with the skilled person’s understanding (T 1193/23, T 206/22). LLMs generate responses based on vast, but not always transparent, training data, and their outputs may not reflect the knowledge or reasoning of a skilled practitioner at the priority date. Moreover, LLMs may incorporate information published after the priority date, which is inadmissible for inventive step analysis.

5.2. The Evolution of Common General Knowledge

For LLMs to be considered part of the skilled person's toolkit, their use must become established as common general knowledge in the relevant field. This is a factual question, to be determined by evidence (e.g., textbooks, industry standards, expert testimony). Until such time, a discussion may be needed whether or not the skilled person would have used an available LLM or not.

5.3. Enabling Disclosure by the LLM?

A further question is whether everything an LLM "spits out" actually amounts to an enabling disclosure. Some LLM output may meet these requirements, other output may not meet this requirement. LLMs are notorious for "hallucinations", i.e. plausible sounding text that is not factual. Therefore, the LLM output will likely have to be scrutinized for enablement. In some cases, the LLM output may provide an incentive to add features.

5.4. The Risk of Hindsight

A central purpose of the problem-solution approach is to avoid hindsight bias. To this end, the objective technical problem must be formulated in such a way that it does not contain pointers to the technical solution (T 229/85). Thus, it may be argued that the skilled person using a LLM as a tool trying to solve the objective technical problem is admissible and not an ex post facto view of inventive activity.

However, it may be argued that generating new prior art via an LLM based on the objective technical problem (which is itself derived from a legal analysis of the prior art and the invention) may create a risk of hindsight. The LLM that existed at the relevant date is confronted with a question—the objective technical problem—that could not have existed at that date, as it is formulated only after the invention is known. This introduces a temporal paradox: the model is being asked to solve a problem that was not posed at the time, potentially leading to an artificial inflation of the model's capabilities and an unfair assessment of obviousness.

6. Outlook

6.1. Implications for the Problem-Solution Approach

If the problem-solution approach doubles down on the requirement that the objective technical problem is truly derived without hindsight, there may be a strong argument not to use an LLM available at the time by the skilled person trying to solve it. This would preserve the conceptual integrity of the approach and avoid the risk of hindsight. However, as LLMs become better and more widely adopted, the bar for inventive step may rise significantly if their use is accepted as routine. Alternatively, LLMs could be excluded from the assessment of inventive step, as outlined above, but this would make the problem-solution approach more artificial and the storytelling aspect of the skilled person less convincing. It is worth recalling that the skilled person has always been a somewhat implausible character, required to know all the literature at the relevant date while being devoid of any inventive activity.

Moreover, as LLMs become more prevalent, it is foreseeable that, in opposition or revocation proceedings, parties may seek to introduce output from historic LLMs (corresponding to the relevant priority date) to argue for or against inventive step. This could lead to a new evidentiary battleground, with both patent proprietors and opponents seeking to demonstrate what a model could or could not have produced at the relevant time.

6.2. Implications for Alternative Approaches

The potential integration of generative AI into the skilled person's toolkit raises questions for alternative inventive step tests.

Notably, the Unified Patent Court (UPC) has so far not decided if the problem solution approach must be applied or if alternative approaches should be used. In UPC_CFI_501/2023 (issued on 4 April 2025) the Local Division Munich held that both "the 'German' test and the PSA [...] should lead to the same results in the majority of the cases". In the decision, the court favored the PSA. However, regardless of legal standard used to assess inventive step: If AI models become the primary means of technical problem-solving, hypothetical LLM output may be required to be taken into account in one way or the other. An alternative approach to assessing inventive step based on embeddings is, for example, discussed in R. Free, **epi** Information 02/2024, p.13.

In case the abilities of AI continue to grow, inventors will increasingly be able to use LLMs to augment their inventiveness, for example by adding further embodiments not found in the prior art. Using LLMs may counterbalance these new possibilities when assessing inventive step.

Thus, if LLMs are used to assess inventive step, the threshold for non-obviousness may rise, and the focus may shift from human creativity to the capabilities of AI systems (see previous discussion e.g., by R. Abbott, 66 UCLA L. Rev. 2 (2019) or D. Fabris, IIC 2020, 685). As AI systems may also augment the inventive process, a new patentability equilibrium may emerge as a sublation of the former purely (fictional) human centered inventive step assessment.

Conclusion

As of fall 2025 the prevailing view is that the skilled person at the EPO is not yet assumed to routinely use generative AI models when solving the objective technical problem. However, this may change as such tools become more deeply embedded in technical practice. Notably, the PSA could "naturally" integrate the use of "historic" AI systems at the stage of the objective technical problem. The presentation and assessment of such arguments provide new challenges both for practitioners, offices, and courts. Very likely, the capability for inference of historic large language models will be required – for both submissions and decisions.

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Searching for prior art in the age of AI: The EPO's approach

A. Aledo Lopez, EPO Chief Operating Officer

Artificial intelligence (AI) is reshaping the way prior art is searched and assessed. Commercial platforms increasingly rely on semantic search, vector embeddings, and large language models (LLMs) to improve recall and simplify navigation across vast technical databases. These platforms promise efficiency and broader coverage. Yet for patent professionals, questions remain about reliability, reproducibility, and alignment with the rigorous standards of patent examination.

At the European Patent Office (EPO), AI is being introduced carefully, in a way that combines innovation with legal and procedural rigour, while leaving examiners firmly in control. The flagship example is **PreSearch**, one of several internal AI-assisted systems that the EPO has developed to support examiners. Around it, additional AI applications are being developed to reduce repetitive tasks and increase the accuracy, consistency, reliability and overall quality of classification, translation, drafting support, and procedural documentation – always under the guiding principle that humans remain responsible for final decisions.

PreSearch: A flagship, AI-powered EPO tool

PreSearch helps examiners identify relevant prior art at the outset of their work. It combines classical retrieval methods with AI, ranking results in a unified list. The system covers both **patent literature and non-patent literature (NPL)**, ensuring broad coverage from the start.

PreSearch integrates a range of algorithms, referred to as "providers," each offering a different perspective:

- **Citation provider**s include references cited by applicants or other patent offices.
- **Text-based providers** locate documents containing distinctive terms from the claims, description or abstract.
- AI-based providers add advanced functions such as:
    - **Vectorisation of patent documents**, allowing semantic comparison that goes beyond simple keyword matching.
    - Following chains of citations and applying machine learning to highlight relevant prior art.
    - Comparing the meaning of claims with earlier patents or scientific articles.
    - Generating search markers from claims with the aid of large language models, in alignment with examiner practice.

Planned improvements include a **figure-based provider** to identify disclosures primarily contained in drawings, as well

as enhanced handling of chemical structures and formulae, which is critical for specific technical areas.

Further customised ways of leveraging AI at the EPO

Unlike generic AI solutions, the EPO deploys its own **purpose-built models**, which are tailored to patent search and examination.

A key example is the **custom encoder for pre-classification and classification**, trained on millions of patent applications. Because the tool recognises the highly specific terminology and structure of patent documents, it achieves greater accuracy than off-the-shelf algorithms. This allows applications to be routed more efficiently to the correct technical fields and hence supports more precise searches.

Another essential component for examiners is the **custom vectorisation of the training database**. Before vectorisation, all documents are **machine-translated into English**, creating a harmonised language base. This ensures that the embeddings capture **technical meaning across languages**, rather than distorting results due to linguistic variation. The resulting vectors are calibrated for **technical and legal relevance**, giving examiners cleaner, more focused outputs with fewer irrelevant hits.

Together, these customisations ensure that AI is leveraged at the EPO in a transparent, examiner-oriented manner, designed to strengthen precision, consistency, and trust in the search process.

Angel Aledo Lopez joined the European Patent Office in January 2019 and was appointed Chief Technology Officer (CTO) in March 2019. In January 2025, he took on the position of Chief Operating Officer, which he combines with his responsibilities as CTO. During his career, he has held different positions in both technical and managerial roles. He has a deep understanding of the IP domain, over two decades of extensive experience in the field, and a strong interest in emerging technologies such as AI and cloud computing.

Benefits of AI in prior art search

The integration of AI into the EPO's search framework brings several clear advantages. It helps ensure **greater consistency** in search quality across different technical fields, while also enabling **broader coverage** by processing and analysing larger and more diverse document collections than was previously feasible. By drawing on a **variety of approaches – from semantic methods to classification and other AI techniques** – the system supports the identification of **higher-quality citations**, with documents selected for their actual technical relevance rather than just the presence of certain keywords. At the same time, **automated translation** allows examiners to conduct truly multilingual searches without losing precision. Together, these benefits strengthen both the efficiency and the reliability of the search process.

AI governance: a human-centric approach

Introducing AI into the prior art search process requires clear safeguards. At the EPO, this is achieved through a well-defined governance framework. All AI outputs are systematically checked against the **EPO's authoritative prior art document collections**, ensuring that only documents of verifiable quality can influence the search.

As always, examiners remain firmly in control: AI suggestions may guide the process, but it is always the examiner who decides which documents are relevant and how they are to be cited. Additionally, all search reports and written opinions are checked by the Active Search Division before leaving the EPO.

To keep the tools aligned with real practice, the underlying models are updated regularly, drawing on **examiner feedback** as well as advances in technology. Most importantly, the EPO follows a principle of **human-centric AI**. Consistent with the Office's AI policy, examiners remain responsible for all final decisions, preserving both the legal certainty of the procedure and the professional judgment that only a human expert can provide.

Future developments

The EPO is gradually extending the role of AI beyond prior art retrieval. One area under development is the **pre-drafting of office actions**, with a pilot planned for the beginning of 2026. Here, AI will assist examiners by suggesting standard formulations and basic legal reasoning, enabling them to concentrate on the substantive analysis of the case.

In addition, since May 2025, the EPO has been piloting **AI-assisted minute writing for oral proceedings**, an initiative aimed at streamlining documentation and improving procedural efficiency. More broadly, the Office is working towards the **gradual introduction of AI assistance across all examiner and formality officer tools**, embedding AI support throughout the workflow, while ensuring that humans remain responsible for the outcome.

Together, these initiatives are not designed to replace the expertise of examiners and formalities officers, but to reduce repetitive tasks and allow more time for careful legal and technical evaluation – ensuring that quality

remains at the centre of the examination process. This approach is wholly aligned with the EPO's strategy to simplify and fully digitalise the patent granting process.

Implications for patent attorneys

For European patent attorneys, the gradual integration of AI into the EPO's processes brings several practical consequences. Search reports and written opinions are expected to become even **more consistent**, as AI support helps standardise both the way prior art is identified and the format of the written opinions. This improves **predictability**, as well as giving attorneys and their clients greater clarity on the scope and methodology of searches.

Further, the EPO remains fully committed to maintain dialogue with users. There are **numerous channels and opportunities for users to be kept informed and to provide feedback**, both with regard to EPO tools and potential legal changes. These include **regular user consultation** meetings organised by the EPO, which allow attorneys and professional associations to voice their views on new tools, share practical experiences, and help shape how AI is introduced into examination practice.

While these developments promise greater efficiency and reliability, the judgement of examiners and formalities officers remain decisive. For attorneys, this means that while they may benefit from more uniform and predictable outputs, they must still use their own expertise to analyse the reasoning, challenge assumptions and advise clients. In this way, while AI assistance strengthens the framework, ongoing dialogue can continue as previously between attorneys, applicants and the Office.

Conclusion

AI is becoming an indispensable ally in prior art search. At the EPO, its role is carefully defined: AI expands coverage, boosts efficiency, and enhances consistency, while **examiners remain the ultimate decision-makers**.

Through PreSearch and related initiatives, the EPO demonstrates how AI can support the expertise of examiners and patent attorneys. The result is a search framework that is **technologically advanced, legally sound, and examiner-driven**, ensuring that EPO prior art searches and examination reports continue to meet the highest standards of quality and reliability.

Opinion from PCC on Interpretation of the Guidelines on AI

The Professional Conduct Committee (PCC) provides opinions upon enquiries from epi members under Art. 7(c) of the epi Code of Conduct. Any opinion given does not have regulatory force and is prepared with the intention to provide helpful assistance. No liability of any kind attaches to the epi, the Professional Conduct Committee or any members of that Committee in respect of these opinions. In accordance with Article 7(c) CoC, opinions of the Professional Conduct Committee shall not be binding on the disciplinary bodies. The following opinion has been considered useful for epi members as the questions it addresses are particularly significant. Hence, it has been decided to publish it, in anonymised form.

Summary of Enquiry

*"According to the „**epi** Guidelines: Use of Generative AI in the Work of Patent Attorneys", members must establish, in advance of using generative AI, the wishes of their clients with regard to the use of generative AI.*

Question 1: Can this requirement be fulfilled by including a clause in the general terms of engagement? For example: "The member and their staff may use AI tools unless the client explicitly objects in writing for a specific case. The use of AI tools does not diminish the member's responsibility regarding diligence."

Would this approach place the burden on the client? If this is a desirable approach, how should it be phrased to our clients?

*Question 2: Would the situation be improved if a firm adopted an internal AI code of conduct, which would be available to clients upon request? Additionally, do we have examples of AI codes of conduct that we recommend to our **epi** members?"*

Relevant Provisions

1. Regulation on Discipline for Professional Representatives, Article 1[1]

2. **epi** Code of Conduct, Articles 1(c), 2(a), 3(a), 3(b), 3(d) & 3(e)[2]

3. **epi** Guidelines: Use of Generative AI in the Work of Patent Attorneys, Guidelines 4, 5a & 5b[3]

Opinion

Question 1

Referring firstly to Article 1 of the Regulation on Discipline, this clearly articulates that a professional representative shall exercise his profession[4]. This in the opinion of the Chamber means a professional representative must take responsibility for ensuring both that the outcome of their work is in a significant way the result of the representative's efforts, *and* that the process of carrying out the work is under the control of the representative.

It follows from this that a representative cannot delegate control of the work steps to an unqualified third party, whether in human or machine form.

In the opinion of the Chamber "*control*" does not necessarily refer to carrying out all of the steps by the representative. Hence a representative legitimately can satisfy the responsibility requirement even if their work amounts to checking of work produced by others. However such checking should in the opinion of the Chamber include knowing at least the key features of the process by which the work product is prepared; and it should never be merely a trivial aspect of the work process.

The obligation of the professional representative to retain responsibility for work processes is reinforced by the wording of the Code of Conduct. Article 1(c) of this requires a Member (i.e. a professional representative) to serve as a reliable adviser and act as an independent counsellor. These conditions cannot be met if a machine undertakes the totality of the work. At the least therefore the Member must inform themselves about the processes used by the machine, and must check that the resulting work is of the same standard as if a human had completed it.

The requirement for the representative to exercise their profession does not mean that the representative is forbidden to use tools such as AI products in the course of their work. The use of such tools is clearly contemplated by the **epi** Guidelines, and as a generally stated principle the Chamber believes that using AI tools is not inconsistent with the requirements of Article 1 of the Regulation on Discipline.

Guideline 4 however recommends that generative AI tools should only be used when this is in line with the wishes of a client. Guideline 4 further recommends a representative to establish those wishes in advance of using an AI tool.

Guideline 4 in the view of the Chamber means that permission to use (for example) AI tools should not be given in a generalised way.

On the contrary, giving general permission to use AI tools means that the client may not truly know the extent to which such tools are being used by a representative or for which aspects of the representative's work. Any permission given by a client in this circumstance would not meet the requirement to establish the wishes of the client in advance of using an AI tool.

Moreover the granting of generalised permission runs the risk of failing to take account of technological developments in the AI tools. As an example, at the time a generalised authority is given to use an AI tool it may not include a claim-drafting module. The introduction of such a module at a later date may (without changing the identity of the AI tool) fundamentally change how a representative uses the tool. A generalised authorisation is unlikely to take account of this.

Overall the granting permission to use AI tools through operation of a default feature of terms of engagement of a private practice firm, without stating the areas in which those tools are to be used, does not appear to the Chamber to satisfy the requirement for the representative to establish the wishes of a client in advance of using the AI tools.

However the use of a default agreement is not inherently unacceptable as long as the conditions it creates are clear and explicit. In other words if the terms and conditions forming the core of a default agreement to use AI tools identify the areas in which the tools are to be used this would seem to provide adequate safeguards for clients in the areas identified above.

If the terms are made available via a website this has the additional advantage that any change in the uses to which the tools are to be put can readily be communicated.

As a voluntary observation the Chamber notes that Article 1 of the Regulation on Discipline requires a professional representa-

1 https://patentepi.org/r/info-2503-21
2 https://patentepi.org/r/info-2503-22
3 https://patentepi.org/r/info-2503-23
4 Article 1 further says that when exercising his profession a professional representative must proceed conscientiously, but this seems to be simply a condition pertaining to how the representative undertakes the tasks in question. The requirement for conscientiousness in the view of the Chamber does not detract from the responsibility of the representative to undertake or oversee the work requested by a client.

tive not knowingly to make any false or misleading statement, a concept that is reinforced in Articles 2 and 3 of the Code of Conduct. Private practice firms can help to avoid any accusation of such behaviour if their terms of engagement when discussing AI tools make clear the extent to which such tools are to be used.

Articles 3(d) and 3(e) of the Code of Conduct set out the obligations of **epi** Members with respect to the activities of non-Member colleagues. These sections of the Code were drafted before artificial intelligence was a recognised area of technology. The Chamber however believes it would be illogical not to apply the principles of Articles 3(d) and 3(e) (*mutatis mutandis*) to work carried out using AI tools; and indeed the Guidelines (Annex 3) were drafted with Articles 3(d) and 3(e) in mind.

In summary the Chamber is of the opinion that a generalised agreement over the use of AI tools is not sufficient to satisfy the requirement of Guideline 4 unless the terms identify the areas of work in which AI tools are to be used. This conclusion seems to be relevant whether the agreement is achieved by way of a firm's terms of engagement stated on a website, or in another way.

Question 2

The chamber considers that implementing an internal AI code of conduct and stating in a public way that this exists is favorable and can be recommended.

The Chamber wonders whether restriction of access to detailed information on the use of AI tools only to clients was inadvertent. The result of this is that the only information available to potential clients amounts to a generalised agreement set down in the Terms. However as explained above this does not appear to be adequate to allow potential clients to make informed decisions, and in the view of the Chamber requires augmenting to indicate the areas of work in which AI tools will be used.

The fact that non-clients seemingly do not have access to comprehensive information, with an internal code of conduct only being made available once a party has agreed to become a client, in the view of the Chamber moreover increases the risk that the published terms may include or amount to a misleading statement.

In summary therefore an "*internal*" AI code of conduct, that is not made available until after an entity becomes a client of a firm, does not assist in causing a set of website terms to comply with the principles set out above in response to Question 1. As indicated, at least the main features of such a code should be available to non-clients, in order to allow them to make informed decisions over whether a firm's AI policies are acceptable.

The presentation of clear information on the likely use by private practice firms of AI tools is recommended, and it is strongly recommended that such information provides those wishing to engage the firms with well-founded confidence that such use will comply at least with Article 1 of the Regulation on Discipline and preferably also Guideline 4 explained above.

The Chamber does not presently have examples of internal policy documents, pertaining to the use of AI products, that could be made available for use by Members of **epi**. However the Chamber suggests that one aspect could relate to the levels of skill, experience and training of staff members responsible for the use of AI tools in private practice firms. Hence a useful provision might be one indicating that those responsible for the selection and use of AI tools must be sufficiently familiar with both the nature of the AI tools and the work of a European Patent Attorney as to be confident that such use will comply with the **epi** Guidelines forming Annex 3.

Summary of Opinion

In summary, the Chamber believes that compliance with the **epi** Guidelines on use of AI can be achieved through the inclusion of consent provisions in terms of engagement in a firm's website. However such terms in the opinion of the Chamber should identify the principal areas in which generative AI is to be used.

Moreover, more detailed information on the likely areas of use should be readily available in the event of an enquiry to the firm. Such detailed information should not be restricted only to entities that are clients of the firm in question, and should be available so that clients and potential clients alike can make informed decisions about whether to accept the firm's AI usage policies.

The Chamber does not presently have examples of internal policy documents, pertaining to the use of AI products. However one aspect could relate to the levels of skill, experience and training of staff members responsible for the use of AI tools in private practice firms, particularly with regard to ensuring compliance with the **epi** Guidelines on the Use of Generative AI in the Work of Patent Attorneys[5].

This opinion does not have regulatory force and is prepared with the intention to provide helpful assistance. An opinion provided in accordance with Article 7(c) CoC is not binding on the Disciplinary Bodies. No liability of any kind attaches to **epi**, its Professional Conduct Committee or any members of that Committee in respect of this opinion.

5 https://patentepi.org/r/info-2503-23

Case Law

G 1/24[1] – all clear when it comes to clarity of claims?

T. Körner (CH)

Short summary of facts and decision

The referral[2] under Art 112(1) EPC to the Enlarged Board of Appeal (EBoA) of three questions on points of law arose from an appeal (T 0439/22) against a decision in opposition proceedings against European patent No. 3 076 804 (application No. 14806330. 8[3]), in which the referring Technical Board of Appeal (TBA) had to decide whether novelty of claim 1 had been correctly assessed in the opposition proceedings[4]. The central question for the decision[5] was whether a (technical) term ("gathered sheet") in claim 1 should be understood according to its clear and agreed meaning which was widely adopted in the relevant industry[6] (in which case claim 1 would be novel over prior art document D1) or whether it should be interpreted in the light of the description, which contains an explicit and broader definition of the same term in the technical context of the patent[7] (in which case claim 1 would lack novelty over D1). Following extensive considerations, the following questions were referred to the EBoA:

1. *Is Article 69 (1), second sentence EPC and Article 1 of the Protocol on the Interpretation of Article 69 EPC to be applied to the interpretation of patent claims when assessing the patentability of an invention under Articles 52 to 57 EPC?*

1 https://patentepi.org/r/info-2503-4
2 https://patentepi.org/r/info-2503-5
3 https://patentepi.org/r/info-2503-6
4 T 0439/22, interlocutory decision of 24 June 24, item I of the Summary of Facts and Submissions, last paragraph
5 ibid., item 1.4 of the Reasons for the Decision
6 ibid., item 1.1 of the Reasons for the Decision, 5th paragraph
7 ibid., item 1.3 of the Reasons for the Decision, 1st paragraph

2. *May the description and figures be consulted when interpreting the claims to assess patentability and, if so, may this be done generally or only if the person skilled in the art finds a claim to be unclear or ambiguous when read in isolation?*

3. *May a definition or similar information on a term used in the claims which is explicitly given in the description be disregarded when interpreting the claims to assess patentability and, if so, under what conditions?*

The EBoA gave the following answer to both Questions 1 and 2:

> ***The claims are the starting point and the basis for assessing the patentability of an invention under Articles 52 to 57 EPC. The description and drawings shall always be consulted to interpret the claims when assessing the patentability of an invention under Articles 52 to 57 EPC, and not only if the person skilled in the art finds a claim to be unclear or ambiguous when read in isolation.***

Question 3 was considered inadmissible and received no explicit answer.

Comments

re Questions 1 and 2

Question 1 is formulated in such a way that it may only be answered with YES or NO. Although the answer given under paragraph (para) 9 of the Reasons[8] is "formally" NO, the decision given in response to Question 2 is also presented as the final answer to Question 1 in the Order of the decision (cf. para 21).

The wording used by the Order differs slightly from the corresponding wording of Article 69(1) EPC, second sentence. Whereas the latter requires that "the description and drawings shall be <u>used</u> to interpret the claims", the order commands that "the description and drawings shall <u>always</u> be <u>consulted</u> to interpret the claims" (emphasis added).

One may thus be tempted to draw the conclusion that the difference in wording may indicate that, while the description shall always be consulted, it may nevertheless be at least partially disregarded. In the authors opinion, it is questionable that it was the EBoA's intention to give such an impression for several reasons: First, the wording in the Order corresponds literally to the wording in Question 2 of the referral. Second, the decision gives no indication whatsoever that disregarding description and drawings may be an option and what conditions would need to be fulfilled for being allowed to do so. Last but not least, it would lead to contradictions in the EBoA's reasoning for not answering Question 3, which will be discussed below.

re Question 3

According to established case law, claims lack clarity within the meaning of Art 84 EPC if the exact distinctions which delimit the scope of protection cannot be learnt from them (T 165/84, T 6/01)[9]. While the referral may thus be considered to relate to a clarity issue, the fundamental problem is an inconsistency between claim 1 and the description, wherein the description provides a definition for a term from claim 1 which deviates from said term's clear and agreed, widely adopted meaning. Of the three questions referred to the EBoA, only Question 3 specifically addresses this particular problem.

Nevertheless, the EBoA evaded providing an answer to Question 3, which it considered to be encompassed in Question 2, and inadmissible given that an answer was not necessary for the referring TBA to decide on the present case in view of the answer given to Question 2. This is all the more surprising insofar as one may wonder whether the answer to Question 2 did not also render obsolete the need to answer Question 1 for the decision to be made by the referring TBA.

While the Order requires the description and drawings (author's note: in their entirety) to always be consulted when interpreting the claims for the purpose of assessing patentability, this does not necessarily seem to preclude (cf. the considerations above) that at least parts of the description, in particular an (isolated) explicit definition or similar information relating to a term used in the claims, may possibly be disregarded when interpreting the claims.

If this was permissible, clarity with respect to conditions for doing so would be essential to avoid diverging case law and unequal treatment of parties to proceedings and/or stakeholders. The absence of such conditions could be considered to imply that (at least parts of) the description and drawings could be ignored at will. This would contradict both lines of case law as identified under paras 12 and 15, would be irreconcilable with the considerations under para 16 and, last but not least, would be likely to contradict the principle of equal treatment[10].

As consequence of the EBoA not answering Question 3, no indication is given under what conditions (parts of) the description and drawings may possibly be ignored – neither

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8 All references to "para" from now on are references to the paragraphs from the Reasons for the Decision in G 1/24.

9 Case Law of the Boards of Appeal, 11th edition, July 2025 – Chapter II.A.3.1

10 Case Law of the Boards of Appeal, 11th edition, July 2025 – Chapter IV.C.6.1

in the form of generic considerations nor in specific relation to the case at hand. Question 3 explicitly asked for such conditions. By stating that an answer to Question 3 was not necessary for the referring TBA to reach a decision in the case before it, the EBoA implies that such conditions do not exist – if they did, the referring TBA would need to know them to comprehensively decide the case.

It may further be concluded that a definition or similar information relating to a term used in the claims which is explicitly given in the description may under no circumstances be disregarded when interpreting the claims to assess patentability – despite the fact that such an approach may lead to peculiar results, at least in cases of unusual, contradictory, incorrect, or even misleading definitions.

As the EBoA considered Question 3 to be encompassed in Question 2, it follows in turn that there is no room for consulting but nevertheless disregarding the description and drawings – not even parts of them.

Considerations regarding assessment of clarity

The decision of the EBA provides a (confirmative) answer to the question of whether the description and drawings of a patent must always be considered to interpret the claims when assessing patentability. Although only Question 1 explicitly refers to patentability under Articles 52 to 57 EPC, the order, the headnote and para 4 seem to leave no doubt that the decision is limited to the interpretation of claims under these Articles.

The question (which has been answered inconsistently in the case law[11]) of how clarity of claims pursuant to Art. 84 EPC is to be determined or examined is not touched upon in the referred questions or anywhere else in the referral. An individual answer to said question is not required, given the Order requires the description and drawings to always be considered when interpreting claims for assessing patentability – irrespective of whether the claims are found clear or not from the perspective of a person skilled in the art. Nevertheless, para 17 addresses the question of the clarity and unambiguity of claims and states that "the finding that the wording of a claim is clear [...] is an act of interpretation – and NOT a preliminary step to such an act of interpretation." Para 20 quotes points 87, 109 (and 135 on unanswered Question 3) of the Comments of the President of the EPO[12], all of which address diverging claim interpretations due to insufficient support by or inconsistencies with the description, and concludes that "the correct response to any unclarity [under Article 84 EPC] in a claim is amendment" (emphasis added).

11 bid. – Chapter II.A.6.3.5
12 https://patentepi.org/r/info-2503-7

Somewhat disappointingly, however, the decision does not address in any way whether the description and drawings must be taken into account when assessing the clarity of the claims under Article 84 EPC.

There are only two possible answers to this question: YES or NO.

Unfortunately, both answers seem to lead to contradictions with the reasoning in the decision discussed here.

A negative answer *prima facie* contradicts the considerations in para 17, according to which "the finding that the wording of a claim is clear [...] is an act of interpretation". This contradiction could be resolved by assuming the existence of two different approaches to claim interpretation, each with different rules: a first approach (mentioned exclusively in para 17) for assessing the clarity of claims and a second, different approach (referred to throughout the rest of the text of G 1/24) for assessing patentability. In any case, it would then be difficult to understand to what extent the first approach could be regarded as anything other than "a preliminary stage to such an act of interpretation," as is ruled out by the reasoning in para 17.

Thomas Körner

If the answer is YES – i.e. the description and claims are <u>always</u> referred to when assessing the clarity of the claims under Article 84 EPC – the question arises as to whether there is still any room for a (preliminary) assessment of the clarity of the claims as such (or, as stated in the decision, "when considered in isolation"), as called for in the comments of the President of the EPO (in particular in points 87 "to amend the claims so that the meaning is as clear as possible from the claim wording alone" and 135 "... so that their meaning is clear from the wording of the claims alone"), to which para 20 explicitly refers. If this were to be affirmed, rigorous criteria for such an assessment "in isolation" would need to be defined in detail. Should the description and, where applicable, drawings also be taken into account in this assessment, albeit to a limited degree? If yes, what are the exact limitations? If not, how may the technical field and, where applicable, the relevant skilled person be determined?

Even if the description and drawings are <u>only</u> to be referred to when claims are found unclear or ambiguous (I would leave out "or ambiguous), rigorous criteria as mentioned above would be needed for a preliminary stage assessment of this question.

In both cases, any requirement to amend claims (ultimately) found to be clear in the light of the description and drawings (and thus in accordance with the criteria applied in all further proceedings before the EPO and, where applicable, in proceedings before downstream national or international courts), solely for the purpose of making them as clear as possible based on their wording alone, would then at least seem to contradict the principle of procedural economy. More seriously, applicants and/or patent proprietors might be forced to accept unnecessary but significant risks with regard to their property rights as a result of amendments deemed necessary by the Examining Division in the examination procedure, particularly in view of the EPO's generally very strict interpretation of Art. 123 (2) EPC in conjunction with the potentially inescapable trap posed by Art. 123(3) EPC. Furthermore, it would be questionable, at the very least, whether there is any legal basis for the Examining Division to insist on such amendments (Article 84 EPC does not refer to the claims as such, and certainly does not require that the claims be as clear as possible); if not, this could be considered arbitrary. Finally, insisting on such amendments might, in a significant number of cases, lead to a violation of the requirement for conciseness of the claims, which is also contained in Art. 84 EPC.

Conclusion

1. Article 69 (1), second sentence EPC and Article I of the Protocol on the Interpretation of Article 69 EPC are not applicable to the interpretation of patent claims when assessing the patentability of an invention under Articles 52 to 57 EPC (cf. para 9) – despite the fact that by relating its answer that the description and drawings shall always be consulted when assessing patentability of an invention under Articles 52 to 57 EPC also to Question 1, the EBoA *prima facie* creates the opposite impression.

2. By considering Question 3 to be encompassed within Question 2, the EBoA seems to imply that a definition of or similar information on a term used in the claims which is explicitly given in the description shall always be considered. No indication is given of any conditions and/or circumstances under which such a definition or similar information may be disregarded.

3. By the same considerations, the EBoA seems to rule out that the description and drawings – and possibly even any parts thereof – may be disregarded when interpreting the claims to assess patentability.

4. While the questions and answer relate to interpretation of claims when assessing patentability under Articles 52 to 57 EPC, also touches upon the issue of claim interpretation in the context of clarity under Art.84 EPC.

5. The decision emphasizes, through reference to the Comments of the President of the EPO[13], the importance of the clarity of the claims based on their wording alone, and endorses enforcement of corresponding requirements in examination proceedings – not only in case of inconsistencies between claims and description, but in response to any unclarity in a claim. Such requirement, however, appears to be in contradiction with the principles of claim interpretation as established by the EBoA in its decision, irrespective of whether or not the description and drawings shall (always) be consulted when assessing the clarity of the claims.

13 https://patentepi.org/r/info-2503-7

Decision of the Court of First Instance of the Unified Patent Court on infringement by equivalence

E. Samouilidis (GR)

The Hague Division of the court of First Instance of UPC issued a ruling (Registry number ACT_549536/2023, date of decision 22 November, 2024) regarding the infringement by equivalence of European Patent EP2137782, which was granted on November 15, 2017.

The invention

The invention relates to a „**M**icrobial **C**ell **F**actory." The cell includes a reactor with an anode compartment and a cathode compartment. The anode compartment contains a living plant and anode-friendly microorganisms that can oxidize organic compounds thus being electron donors, to produce electrical power.

The court examined if there is an infringement of the method claim of the patent. The claim (claim 11) reads as follows:

> *11. Method for converting light energy into electrical energy and/or hydrogen, wherein a feedstock is introduced into a device that comprises a reactor, where the reactor comprises an anode compartment (2) and a cathode compartment and wherein the anode compartment comprises a) an anodophilic micro- organism capable of oxidizing an electron donor compound, and b) a living plant (7) or part thereof, capable of converting light energy by means of photosynthesis into the electron donor compound, wherein the microorganism lives around the root (8) zone of the plant or part thereof.*

The alleged infringement

In 2022, Bioo (the defendant) exhibited a working „Bioo Bench" containing several „Bioo Panels," and a Dutch company announced that it would bring the Bioo Panel product to the Dutch market. The Bioo Panel data sheet explains how the Bioo Panel works:

> *"How it works?*
>
> *Bioo Panel is a biological battery capable of producing electricity by feeding on natural soil and using plants to maintain the ecosystem without damaging it. Bioo Panel is composed of a soil area in the upper part (acting as an extra source of organic matter) and the Microbial Fuel Cell (MFC), located in the lower part. The MFC generates electricity by a Redox reaction happening in the soil of the second layer, between the anode, where the bacteria is fuelled by the organic matter of the soil, and the cathode in contact with the oxygen from the air. The only residue is water."*

More information on the Bioo Panel could be found on Bioo's website. It is understood that Bioo Panel consists of two layers (parts) assembled into a single device. The anode, which contains the bacteria (microorganisms), as well as the cathode are located in the lower layer of the device, whereas the plants are located in the upper layer.

Emmanouil Samouilidis

Literal infringement

The court concluded that Bioo Panel has all features of claim11 except for the feature „*... wherein the microorganism lives around the root (8) zone of the plant or part thereof.*", because the bacteria are in the lower layer and the plants are in the upper layer. Thus, there is no literal infringement.

Infringement by equivalence

The court then examined whether Bioo Panel infringes the European patent as an equivalent of the invention. To this end, according to the court, it must be assessed whether the method by which Bioo Panel, which has two layers, operates in an equivalent manner as the method of claim 11, which requires that the plant with its roots and the microorganism are both arranged in the anode compartment.

The court applied a criterion which, according to the decision, is based on the practice of various national jurisdictions. According to this criterion "*... a variation is equivalent to an element specified in the claim if the following four questions are answered in the affirmative.*"

*i. **Technical equivalence:** does the variation solve (essentially) the same problem that the patented invention solves and performs (essentially) the same function in this context?*

The court found that both the invention and the Bioo Panel create an MFC that does not require externally supplied fuel. This is achieved by introducing a living plant into the system as a constant supplier of organic material to the reactor. The decision includes a detailed explanation.

*ii. Is extending the protection of the claim to the equivalent proportionate to **a fair protection for the patentee**: in view of his contribution to the art and is it obvious to the skilled person from the patent publication how to apply the equivalent element (at the time of infringement)?*

The court acknowledged that incorporating a plant into an MFC creates a new type of fuel cell. Bioo argued that the claimed method did not work, so they implemented a solution in which the plant was not arranged in the anode compartment to prevent its roots from damaging the anode. However, despite the alleged advantages of the Bioo Panel, the court found that Bioo had applied the teaching of the patent.

*iii. **Reasonable legal certainty for third parties**: does the skilled person understand **from the patent** that the scope of the invention is broader than what is claimed literally?*

The court determined that the purpose of the patent is to add a plant to an MFC, thereby making the invention independent of externally supplied raw materials.

*iv. Is the allegedly infringing product **novel and inventive** over the prior art? (i.e. no successful Gillette/Formstein defence)*

The court ruled that considering the state of the art on the priority date of the application for which the patent was granted, Bioo Panel was neither known nor obvious.

Discussion

i) To reach that decision, the court considered the skilled person as "*… an individual (or a team) with a scientific background (PhD) in biochemistry, electrochemistry, and possibly microbiology or environmental engineering and about 3 to 4 years of working experience in the technical field of microbial fuel cells*". That definition of the skilled person was proposed by the claimant and the defendant did not object to.

ii) From my understanding of the decision, I believe that the court broadened the scope of protection provided by the claim, a) by judging the contribution of the invention to the art to be broader than the teaching of the claim, and b) because it did not consider the feature „the microorganism lives around the root of the plant or part thereof" as essential to the teaching of the invention.

iii) Furthermore, the court did not find any reason not to extend the protection (criterion iii)). In my opinion the drafting of the description is of importance when addressing criterion iii).

iv) No decision of the Court of Appeal related to the above case has been retrieved until 07 September 2025.

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Report from the second epi Student Summit 2025

held in Munich at the end of June 2025

N. Ferara (DE), M. Mackett (GB), on behalf of the **epi** Students and EQE candidates Subcommittee

This Summit was attended by almost 30 epi Students at varying stages of their training. Several were very new to the profession and wondered what the new exam format had in store for them. This number of **epi** Students attending was considerably higher than that of the first **epi** Student Summit held in Prague in November 2024. We hope that more Students will attend the next Summit.

The programme was chosen to provide a spectrum of key topics relevant to EQE preparation, to discuss the profession, and to serve as a catalyst for the student membership to get to know one another better.

The Summit began with a social event the evening before the Summit which was designed to break the ice and facilitate introductions in a casual setting – a dinner at The Spice Bazaar in Munich. The dinner was attended not only by the Students but also by Professional Education Committee members, many of whom were also **epi** Tutors, who were in town for a meeting earlier in the day. By the end of the evening, many social connections had been made, and it no longer felt as though we were strangers.

The next day, **epi** President Peter Thomsen opened the Summit with a welcome address to the students. **epi** Vice-Presidents Katerina Hartvichova and Tiem Reijns also gave talks on different subjects, giving the students the opportunity to meet **epi** leadership and ask any questions they had. The summit included sessions on preparing for both the old and new exams, exploring specific technologies, an overview of IP5 jurisdictions and the key differences between them, the latest EPC developments, and a career panel discussion. Throughout the day, **epi** Students had the chance to ask questions and engage with all **epi** members present – an opportunity they did not hesitate to take.

Nina Ferara

Margret Mackett

An important outcome of the summit was the connections the students established between themselves: before leaving, all who were interested joined a grassroots chat group to stay in touch and ask quick questions about the exam, the profession, and anything else. As always, the Students were also encouraged to use the **epi** Student Forum – another resource designed to foster discussions and community building.

We hope that the **epi** Student Summit will become a new tradition and a core component of the **epi** Students programme as it is intended to build lasting relationships within the profession. We look forward to welcoming new faces at next year's summit! Watch this space for the details in due course.

EDUCATION

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Place of residence	Total number of candidates	Pass
AL	0	0
AT	19	11
BE	35	16
BG	1	0
CH	34	11
CY	0	0
CZ	4	2
DE	494	191
DK	36	10
EE	1	0
ES	63	17
FI	18	5
FR	127	42
GB	224	139
GR	4	0
HR	1	0
HU	2	1
IE	3	1
IS	0	0
IT	94	18
LI	1	0

Place of residence	Total number of candidates	Pass
LT	4	0
LU	0	0
LV	2	0
MC	0	0
ME	0	0
MK	1	0
MT	0	0
NL	53	20
NO	9	1
PL	39	5
PT	3	1
RO	1	0
RS	0	0
SE	69	23
SI	2	0
SK	0	0
SM	0	0
TR	29	1
CN	1	0
JP	3	0
Grand total	**1377**	**515**

Candidates are free to choose which paper(s) they wish to sit. Candidates who have only sat a sub-set of papers cannot fulfil the conditions of Article 14(1) REE[1] (i.e. have obtained the minimum grades for all four papers) and thus cannot be included in this table.

1 https://patentepi.org/r/info-2503-18

Example: A candidate has only sat papers A and B and passed both papers. Nonetheless the conditions of Article 14(1) REE are not yet fulfilled and this candidate is not included in this table.

This table includes all candidates who fulfil the conditions of Article 14(1) REE.

List of Professional Representatives

by their place of business or employment in the Contracting states as at 31.08.2025

Contr. State	Number Total	% of Total Repr.
AL	10	0.07%
AT	205	1.40%
BE	330	2.25%
BG	42	0.29%
CH	678	4.62%
CY	9	0.06%
CZ	79	0.54%
DE	5400	36.82%
DK	333	2.27%
EE	16	0.11%
ES	282	1.92%
FI	209	1.43%
FR	1422	9.70%
GB	3005	20.49%
GR	24	0.16%
HR	20	0.14%
HU	67	0.46%
IE	91	0.62%
IS	17	0.12%
IT	623	4.25%

Contr. State	Number Total	% of Total Repr.
LI	20	0.14%
LT	20	0.14%
LU	26	0.18%
LV	13	0.09%
MC	7	0.05%
ME	1	0.01%
MK	15	0.10%
MT	6	0.04%
NL	595	4.06%
NO	104	0.71%
PL	228	1.55%
PT	43	0.29%
RO	37	0.25%
RS	39	0.27%
SE	491	3.35%
SI	27	0.18%
SK	26	0.18%
SM	15	0.10%
TR	89	0.61%
Total:	**14664**	**100.00%**

Committee Reports

By-elections and Committee Elections at C100

Announcement of the Committees Election Committee

Notice

epi members wishing to contribute to the work of **epi** can be members of one or more **epi** Committees. At the 100th Council meeting, there will be By-elections to fill vacant positions in several Committees.

epi members wishing to stand for election must submit their completed nomination form before the 100th Council meeting scheduled for 8 November 2025. If a member wishes to stand as a candidate for more than one Committee, they must submit a completed nomination form for each Committee.

The By-Elections will be opened on 25 September 2025 on the **epi** website.

Additionally, the elections of the Committees Election Committee and the first election of the new Diversity, Equity and Inclusion Committee will take place at C100.

Communication

Les membres de l'**epi** qui souhaitent contribuer au travail de l'**epi** peuvent être membres d'un ou de plusieurs commissions de l'**epi**. Lors de la 100ème réunion du Conseil, des élections intermédiaires seront organisées afin de pourvoir les postes vacants au sein de plusieurs commissions.

Les membres de l'**epi** qui souhaitent se présenter aux élections doivent soumettre leur formulaire de candidature dûment rempli avant la 100e réunion du Conseil prévue le 8 novembre 2025. Si un membre souhaite se porter candidat pour plus d'une commission, il doit soumettre un formulaire de candidature complété pour chaque commission.

Les élections intermédiaires seront ouvertes le 25 septembre 2025 sur le site web de l'**epi**.

Également les élections de la Commission des élections des commissionset et la première élection de la nouvelle Commission Diversité, Equité et Inclusion auront lieu lors du C100.

Mitteilung

epi Mitglieder, die einen Beitrag zur Arbeit des **epi** leisten möchten, können Mitglied in einem oder mehreren **epi** Ausschüssen werden. Auf der 100. Ratssitzung wird es Nachwahlen geben, um freie Positionen in mehreren Ausschüssen zu besetzen.

epi Mitglieder, die sich zur Wahl stellen möchten, müssen ihr ausgefülltes Nominierungsformular vor der 100. Ratssitzung am 08.November 2025 einreichen. Wenn ein Mitglied für mehr als einen Ausschuss kandidieren möchte, muss es für jeden Ausschuss ein ausgefülltes Nominierungsformular einreichen.

Die Nachwahlen werden am 25.September 2025 auf der **epi** Webseite geöffnet.

Des Weiteren finden während C100 die Wahlen des Ausschusses zur Ausschusswahl und die erste Wahl des neuen Ausschusses für Diversität, Chancengleichheit und Inklusion statt.

Report of the Litigation Committee

T. Walshe (IE), Secretary

Since the previous issue of **epi** Information, the **Litigation Committee** held an online Committee meeting on 10 June 2025. The Executive Group has continued with its monthly meetings.

Our Chair, together with the President, attended the **15th UPC AC** meeting on 2 July 2025.

Litigation Committee

The second online Committee meeting held on 10 June 2025 provided an opportunity for the Committee to discuss the ongoing questionnaire relating to privilege and separately judicial training. Further work is currently ongoing in respect of both questionnaires to gather further data in order to complete the analysis.

Mr Alexander Ramsay attended a portion of the meeting as a guest speaker, providing an update and a demonstration on the new UPC CMS system.

The next Committee meeting will be an in-person meeting in Dublin, Ireland and will be held on the 27 and 28 November 2025.

15th Meeting of the UPC Administrative Committee

The 15th UPC AC meeting was held on 2 July 2025 in Luxembourg. The Honourable Judges Butin and Grabinski provided an update from the UPC Court of First Instance and the Court of Appeal respectively. The regulatory documents required for operational readiness of the UPC's Patent Mediation and Arbitration Centre (PMAC) were adopted during the meeting. The Director, Mr. Aleš Zalar, also provided an update on the preparations to have the PMAC operational in early 2026. The **epi** as an observer before the UPC AC continues to avail of the opportunity to provide comments in relation to the UPC, including the new CMS and any other provisions under review relating to the UPC.


Triona Walshe

The 16th UPC AC meetings is scheduled for 4 November 2025.

The new UPC CMS Rollout Dates

- The first phase of the new CMS was rolled out on Monday 8 July 2025.
- The second phase of the new CMS is scheduled to be rolled out on 23 September 2025.

Education

The Inter-Committee WG EPPC-PEC, with members from LitCom continues to produce regular podcasts on UPC topics and case-law (https://patentepi.org/r/podcast). Webinars and seminars are also available.

Report of the IP Awareness Working Group

M. Thesen (DE)

In a comprehensive initiative conducted throughout 2023-2024, the **epi** Presidium completed a systematic consultation with all 39 **epi** Council delegations to firstly identify the current and future concerns of European Patent Attorneys across each of their member states and secondly to identify areas where **epi**, as a European professional organization, could help to improve the situation in the EPC member states[1].

The consultation revealed several critical areas requiring attention, with a predominant concern being the need to enhance awareness of the patent and the wider IP system's value among businesses, particularly SMEs, as well as universities and their start-ups and spin-outs.

Michael Thesen

The Presidium found that *"many delegations reported ongoing activities leading to new innovations in their jurisdictions but that there is then often a missing sensitivity of the involved companies and institutions for the relevance of patents."* This widespread challenge exists across almost all EPC countries, where stakeholders need greater awareness about both protecting their inventions and understanding third-party protection landscapes, as well as obtaining patent protection which will be useful in respect of a later commercialization of inventions.

The IPA WG has been created to address these identified needs, serving as a critical bridge between the patent profession and the broader business and academic communities. The IPA WG includes members[2] of the Editorial Committee (EC), the Professional Education Committee (PEC), the IP Commercialization Committee (IPPC) and the Online Communication Committee (OCC).

Chaired by Oana BONCEA with Dr. Claudia DUFFY as Vice-chair, the IPA WG aims to develop effective communication strategies, educational content and training, and strategic collaborations aimed at directly addressing the gaps identified by the Presidium's consultation. Complementing IP awareness initiatives of other organizations (WIPO, EUIPO, etc), the projects initiated by the IPA WG would highlight the role and importance of our profession and the role of patents within the wider IP and business world.

The IPA WG has selected four strategic priorities. It should be noted that all related projects require appropriate funding, selection of volunteering members, and operation within the parameters established by our founding regulation[3]:

1. **Communication with Stakeholders:** The IPA WG has identified three distinct target audiences – **epi** members, businesses andacademia, and EQE candidates. To best reach out to each of these target audiences, the IPA WG is now working on communication strategies tailored to the individual needs of the target audiences, and these may include, for example, tailored LinkedIn posts, blogs and podcasts with a "look and feel" specific to each target audience.
   - **Content Generation:** The IPA WG has initiated several pilot projects for the creation of content tailored to each target audience. Selected examples are "The role of IP in business" for the business audience and "The role of EPAs" for the EQE candidates audience.

2. **Training Programs:** Building on the success of the C99 Vilnius business-facing "Innovation Commercialisation: Multiple Paths to Profit" seminar[4], the IPA WG is investigating to which extent customized training programs for SMEs, university, start-ups and spin-outs, and academic institutions might be realized in collaboration with **epi**. Our founding regulation and tax law imposes certain limits in this regard, which we are currently investigating.

3. **External Collaboration:** The group is pursuing partnerships with the EPO University Program[5] and the wider business community to enhance outreach effectiveness.

The IPA WG has met multiple times online throughout 2025 and plans an in-person meeting allowing for more substantive discussions in 2026.

1 https://patentepi.org/r/info-2503-16
2 https://patentepi.org/r/info-2503-17
3 https://patentepi.org/r/info-2503-18
4 https://patentepi.org/r/info-2503-19
5 https://patentepi.org/r/info-2503-20

Report of the Online Communications Committee

J. Gray (GB), Chair

An **OCC annual meeting** is planned for 29 October 2025, in physical/hybrid form for the first time since the pandemic and since election of the new OCC. The **annual meeting with EPO** (video only) is scheduled for 20 November 2025.

Earlier in the summer, OCC member Ben Grau accompanied Peter Thomsen as members of the newly-formed Business Europe/**epi** joint delegation at the **IP5 Heads/IP5 Industry** meeting in Tianjin, CN. OCC members are well placed to participate in IP5 industry working groups on IT, standardisation etc.. I attended **Main SACEPO** with **epi** Presidium and other colleagues. Of high concern was EPO's proposal to publish a Database of Legal Practitioners, alongside the Database of Professional Representatives. **epi** spoke against this as a matter of principle, as did UNION. In the background, we assisted VP Hartvichova in drafting suggestions to improve the presentation of such dual lists, if EPO is minded to proceed. The status of the proposal is not clear.

Also in SACEPO I cautioned that publication of associations and association memberships is potentially a disruptive measure, deterring some users from using associations at all. Tailored, self-administered association membership was foreseen as a key enabler for firms to allocate cases between sub-teams, implement 'ethical walls' and so forth. We may need await alternative solutions from the EPO IT team.

MyEPO pilot group sessions were paused for the summer, but resume again on 30 September 2025. More information on EPO's coming developments and latest **IT Roadmap** is available as always on their website[1].

In the meantime, EPO is promoting **EPO User Day 2025, 23-24 September**. The online version of this traditional event now attracts thousands of attendees.[2]

The **DOCX filing** option remains in pilot until 1 April 2026, when it is expected to go on general release. An updated specification has been published OJ EPO 2025, A50[4] & OJ EPO 2025, A51[5]. We welcome the acceptance of drawings in PDF, separate from the text. It still has some concerning features, such as the recommendation to use automatic numbering for claim paragraphs. EPO has confirmed that there are no plans to implement differential fees for DOCX vs conventional PDF filing. OCC will press to make sure that a back-up PDF can be filed along with DOCX, having legal effect if there should be a need for correction.

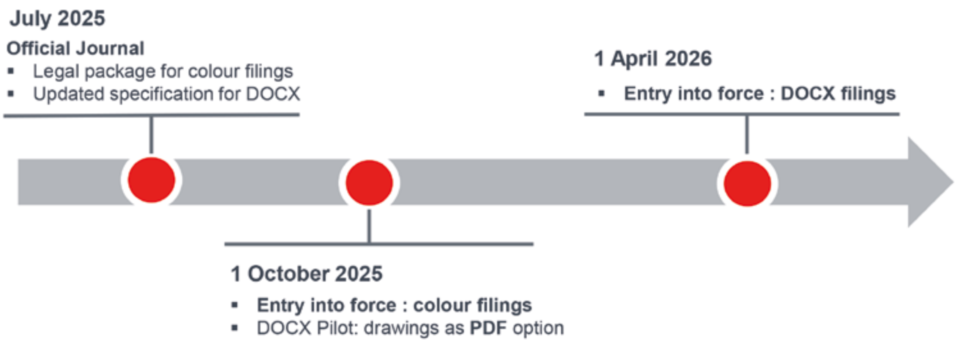
John Gray

OCC has a sub-group working on a regular **social media posting on OCC topics**, collaborating with Education, PEC and EPPC as needed. Ideas for topics are welcome. Webinars and seminars will be programmed in 2026. News items from the EPO:

1 https://patentepi.org/r/info-2503-8
2 https://patentepi.org/r/info-2503-9
3 https://patentepi.org/r/info-2503-10
4 https://patentepi.org/r/info-2503-11
5 https://patentepi.org/r/info-2503-12

Colours and DOCX filling proposed implementation timeline

Colour drawings will be accepted by the EPO (not other offices!) from 1 October 2025. See the decision at OJ EPO 2025, A49[3]. OCC is preparing a news item, highlighting potential pitfalls when extending protection to/from other offices.



- Farewell eOLF: switch to Online Filing 2.0 by January 2026[6] 06.08.2025
- Opening associations of representatives to legal practitioners[7] 04.08.2025
- Changes to the registration of general authorisations[8] 04.08.2025

The **new Third Party Observations platform** remains in pilot only, for reasons unknown.

OCC remains interested also in the revision of rules having an IT aspect (3rd Basket legal changes).

OCC has **an APIs working group** that has identified a number of issues relating to APIs and their documentation. A letter has been drafted to raise these with EPO.

In collaboration with LitCom, we are pleased to monitor the rollout of the **UPC New CMS**.

This has gone smoothly, as far as we are aware, but with a (hopefully temporary) loss of functionality for users accustomed to using APIs for UPC filings, including Opt-Outs. Some APIs are present, but needing some reprogramming at the user side. The API is working now for Optouts filing. Various points have been noted to be taken forward in cooperation with Litigation Committee.

We have no plans to present or request any decision at **C100**.

6 https://patentepi.org/r/info-2503-13
7 https://patentepi.org/r/info-2503-14
8 https://patentepi.org/r/info-2503-15

Report of the Biotechnology Committee

S. Wright (GB), Chair and B. Taravella (FR), Secretary

Below is an update of activities in our Biotechnology Committee (BC) since the last Q2_2025 report:

1. EPO – SACEPO WPG and meeting with Patent law (Dir. 5.3.1) and DG1

In April 2025, significant comments were submitted by the BC to the SACEPO Working Party Guidelines addressing section G II-6.2 of the EPO Guidelines on antibody patentability. These comments highlighted fundamental concerns about the current examination approach for antibody-related patent applications.

In summary, **epi** / BC's comments were as follows:

- The current Guidelines establish a problematic legal frameworks by automatically presuming antibody inventions lack inventive step unless proven otherwise. This approach directly contradicts Article 56 of the European Patent Convention and creates an unfair distinction between antibodies and other technologies. The Guidelines' interpretation seems to reply on misunderstood case law, particularly decisions T 187/04 and T 605/14, while overlooking crucial decisions (T 67/11 and T 1171/18) that acknowledge the inherently unpredictable nature of antibody development.

- A significant technical assessment issue arises from the Guidelines' paradoxical requirements. Examiners are instructed to consider unpredictability in overall antibody architecture while simultaneously ignoring amino acid sequence analysis. They must require framework sequences in claims yet dismiss their relevance in inventiveness assessments. This creates an inconsistent and technically unsound examination process.

- The Guidelines demonstrate also a fundamental misunderstanding of new antibody development. The process for obtaining antibodies requires complex optimization for therapeutic use, considering numerous critical parameters including specificity, stability, immunogenicity, and solubility. Furthermore, the high unpredictability in structure-function relationships makes this field particularly challenging.

The proposed solution focusses on structural reform, including the complete removal of section G.II.6.2 and elimination of the prima facie non-inventiveness assumption. The EPO's approach should implement consistent structural similarity principles across all technical fields, specifically in chemistry of large polymers, focusing on specific sequence information in claims and properly evaluating structure-function relationships.

The BC was able to participate in the SACEPO meeting on May 8, 2025, to share these comments. However, during the meeting, discussions on the antibody section of the examination Guidelines were relatively brief. At the request of the EPO, it was agreed to organize a dedicated meeting specifically focused on these expert technical issues to allow for more detailed exchanges directly with the examiners.

The dedicated meeting took place on July 24, 2025, with both EPO legal representatives and examiners responsible for examining antibody inventions. The EPO immediately indicated that modifications to the antibody patentability section were already underway, primarily focused on reworking the text to remove the negative presumptions about antibody non-inventiveness (which were contrary and inconsistent with the rest of the guidelines on invention patentability).

Discussions also addressed the very strict position adopted by the EPO during examination of inventions, which goes well beyond what is stated in the guidelines. EPO will initiate a review of examination practices. EPO also shared 14 fundamental decisions that according to the EPO, currently shape its practices.

Looking forward, another exchange on this subject is scheduled for October 13, 2025. Before then, a working group is expected to conduct a detailed examination of the 14 decisions shared by the EPO, which seem to represent the basic jurisprudence for inventive step assessment of antibody inventions.

The ultimate goal is to create a more balanced and technically sound approach to antibody patent examination at the EPO, one that recognizes the unique challenges and complexities of this field while maintaining the fundamental principles of patent law. Change of EPO practices is essential for fostering innovation in the crucial field of biological therapeutics while ensuring proper patent protection for genuine inventions.

2. Education and training

The Chair, Simon Wright (GB) and two members of the **epi**'s BC, Niklas Mattsson (SE) and Hans-Rainer Jaenichen (DE) gave an **epi** webinar on 28 May 2025 on Patentability of Antibodies matter by addressing various issues relating to the protection of antibody innovations.

3. BC meeting

epi's EPPC and BC will hold their next in-person joint meeting on October 14, 2025, in Munich. Prior to this, on October 13, they will meet with the EPO to address several key topics: the handling of divisional applications, recent Enlarged Board of Appeal decisions (G1/24 on claim interpretation and G1/25), and the overall quality of EPO examinations. This EPO meeting will also provide an opportunity to continue in a new specific meeting our ongoing discussions regarding the assessment of inventiveness for antibody-related patents.

Simon Wright

BrigitteTaravella

From D&I Working Group to DEI Committee
To Inclusivity and Beyond

N. Ferara (GB)

In September 2021, the **epi** Board established a Diversity & Inclusion (D&I) Working Group to promote the values of diversity and inclusion within the **epi** community[1]. Over the past four years, the group has actively worked to embed these principles into the fabric of our profession.

A Commitment to Diversity

In 2022, the **epi** Council adopted a D&I policy[2], which highlights our profession's and its members' commitment to those values.

1 https://patentepi.org/r/info-2503-16
2 https://patentepi.org/r/info-2503-17

The D&I WG published several articles (see issues 1/22, 3/23, and 1/24), presented at the **epi** conference celebrating "50 years of EPC and 44 years of EQE" in 2023. A large part of its work focused on the EQE and qualification-related topics. The post-EQE survey was amended in 2023 to include a series of questions related to reasonable adjustments as proposed by the D&I WG (and these questions have been included in the survey in subsequent years). The WG also worked on changing the wording of Rule 17 IPREE (this work is apparently unfortunately stalled for reasons we fail to understand). A series of case studies was also prepared by the D&I WG[3]. Members of the WG have participated in podcasts, joined conferences, seminars, and events, as well as national groups working on DEI topics. Additionally, all of us actively engaged with other **epi** committees on DEI topics.

Towards a Permanent Structure

For the past two years, the D&I WG has been working toward establishing a permanent committee. One disadvantage of being a Working Group is that it needed regular, active confirmation by the **epi** Council that its work should be continued. A committee would instead be a permanent instrument for promoting equity, diversity, and inclusion within **epi**. We welcome the fact that at its most recent meeting (in May this year) the **epi** Council established a Diversity, Equity and Inclusion (DEI) Committee.

Get Involved

Elections to the DEI Committee will take place at the next Council meeting in November this year, and this is a call to action:
All **epi** members who are passionate about DEI are encouraged to:

- Nominate themselves as candidates; and/or
- Reach out after the elections to join as associate members

The strength of the D&I Working Group lay in the diversity of its members, and we hope to carry that spirit forward into the new Committee.

If you've been waiting for a sign to get involved in DEI—this is it!

3 https://patentepi.org/r/info-2503-16

General Information

epi Board

Präsident / President / Président
CH – THOMSEN Peter

Vize-Präsident(in) / Vice-Presidents / Vice-Président(es)
CZ – HARTVICHOVA Katerina
NL – REIJNS Tiemen

Generalsekretär / Secretary General / Secrétaire Général
PL – AUGUSTYNIAK Magdalena

Stellvertretender Generalsekretär
Deputy Secretary General / Secrétaire Général Adjoint
BE – DE CLERCQ Ann

Schatzmeister / Treasurer / Trésorier
HU – SZENTPÉTERI Zsolt

Stellvertretender Schatzmeister / Deputy Treasurer
Trésorier Adjoint
DE – WINTER Andreas

Next Board and Council Meetings

Board Meetings
136th Board Meeting in Brussels/hybrid in January 2026
137th Board Meeting in Munich/hybrid on 20 March 2026

Council Meetings
100th Council meeting in Nice (France) on 8 November 2025
101th Council meeting in Dubrovnik (HR) on 11 and 12 May 2026

Disciplinary Bodies, Committees and Auditors

Disziplinarorgane, Ausschüsse und Rechnungsprüfung · Organes de discipline, Commissions et Vérification des comptes

Disziplinarrat (epi)	Disciplinary Committee (epi)	Commission de Discipline (epi)
AL – NIKA Melina	GB – GRAY John	MT – SANSONE Luigi A.
AT – POTH Wolfgang°°	GR – TSIMIKALIS Athanasios	NL – VAN LOOIJENGOED Ferry A.T.
BE – DEBLED Thierry	HR – MARSIC Natasa	NO – THRANE Dag
BG – TSVETKOV Atanas	HU – KOVÁRI Zoltán	PL – ROGOZINSKA Alicja
CH – REUTELER Raymond	IE – SMYTH Shane	PT – DIAS MACHADO Antonio J.
CY – ROUSOUNIDOU Vasiliki	IS – FRIDRIKSSON Einar Karl	RO – PUSCASU Dan
CZ – FISCHER Michael	IT – MAURO Marina Eliana	RS – BOGDANOVIC Dejan
DE – FRÖHLING Werner°	LI – ROSENICH Paul*	SE – KARLSTRÖM Lennart
DK – KUHN Oliver Wolfgang	LT – GERASIMOVIC Jelena	SI – JAPELJ Bostjan
EE – KAULER Urmas	LU – KIHN Pierre	SK – ČECHVALA Radovan
ES – STIEBE Lars Magnus	LV – SMIRNOV Alexander	SM – MARTINI Riccardo
FI – WESTERHOLM Christian	MC – AMIRA Sami	TR – YURTSEVEN Tuna**
FR – AJDARI Emmanuel	ME – LUTOVAC Vuk	MK – DAMJANSKI Vanco

Disziplinarausschuss (EPA/epi)	Disciplinary Board (EPO/epi)	Conseil de Discipline (OEB/epi)
epi Mitglieder	**epi Members**	**Membres de l'epi**
DE – MÜLLER Wolfram	FR – MAROLLÉ Patrick Pierre Pascal	IS – HARDARSON Gunnar Örn
DE – VOGELSANG-WENKE Heike		

Beschwerdekammer in Disziplinarangelegenheiten (EPA/epi)	Disciplinary Board of Appeal (EPO/epi)	Chambre de Recours en Matière Disciplinaire (OEB/epi)
epi Mitglieder	**epi Members**	**Membres de l'epi**
CH – WALSER Peter	FR – GENDRAUD Pierre H.	NL – BIJVANK Koen
DE – REBBEREH Cornelia	IT – COLOMBO Stefano	TR – ARKAN Selda
DK – FREDERIKSEN Jakob Pade		

Ausschuss für Berufliche Bildung	Professional Education Committee	Commission de Formation Professionnelle
Ordentliche Mitglieder	**Full Members**	**Membres titulaires**
AT – STADLER Michael	HR – MARSIC Natasa	MT – RAMBELLI Paolo
BE – DUYVER Jurgen Martha Herman	HU – TEPFENHÁRT Dóra Andrea	NL – VAN WEZENBEEK Lambertus A.C.M.
BG – GEORGIEVA Mariya	IE – SKRBA Sinéad	NO – REITAN Katja
CH – KAPIC Tarik**	IS – GUDMUNDSDÓTTIR Anna Valborg	PL – DARGIEWICZ Joanna
CY – THEODOULOU Christos A.	IT – MORABITO Sara	PT – DO NASCIMENTO GOMES Rui
CZ – HARTVICHOVA Katerina	LI – HOFMANN Markus Günter	RO – BONCEA Oana-Laura
DE – MÖLLER Björn Matthias	LT – GERASIMOVIC Liudmila	RS – PRIBIC Jelena
DK – ANDREASEN Lotte Vinggaard	LU – MELLET Valérie Martine	SE – HERBJØRNSEN Rut
ES – PATO COUR Isabel	LV – FERARA Nina	SI – BORIC VEZJAK Maja
FI – MEINANDER Ulf Kristian	MC – THACH Tum	SK – CECHVALA Radovan
FR – COLLIN Jérôme	ME – LUTOVAC Vuk	SM – AGAZZANI Giampaolo
GB – GWILT Julia Louise*	MK – PEPELJUGOSKI Valentin	TR – ATALAY Baris
GR – LIOUMBIS Alexandros		
Stellvertreter	**Substitutes**	**Suppléants**
AT – SPILLMANN Adrian	ES – SÁNCHEZ Ruth	NO – READ Howard Graham
BE – DE GROOTE Youri	GB – MACKETT Margaret	PL – MLYNARSKA Paulina Emma
BG – TAHTADJIEV Konstantin	GR – KOSTI Vasiliki	PT – SILVESTRE DE ALMEIDA FERREIRA Luís Humberto
CH – RUDER Susanna Louise	HU – RAVADITS Imre Miklós	SE – FÄRM Magnus
CY – CURLEY Donnacha John	IE – BO Lin	SK – MISKOVICOVÁ Ivica
CZ – MATYSOVÁ Jitka	IT – BURGIN Maria Chiara	SM – PRIMICERI Maria Vittoria
DE – PAVAN Andrea	LT – ARMALYTE Elena	TR – HAMAMCIOGLU Volkan
FI – VATTULAINEN ERKKILÄ Anniina	NL – OP DEN BROUW-SPRAKEL Vera Stefanie Irene	

*Chair/ **Secretary °Vice-Chair / °°Vice-Secretary

Ausschuss für Europäische Patent Praxis	European Patent Practice Committee	Commission pour la Pratique du Brevet Européen
AL – PANIDHA Ela	FR – THON Julien	MC – KREMER Véronique Marie Joséphine
AT – DONATELLO Daniele	GB – MERCER Christopher Paul*	MK – FILIPOV Gjorgji
BE – MICHALÍK Andrej	GR – SAMOUILIDIS Emmanouil	NL – VAN WOUDENBERG Roel
BG – GEORGIEVA Mariya	HR – HADZIJA Tomislav	NO – REKDAL Kristine
CH – WILMING Martin	HU – LEZSÁK Gábor	PL – AUGUSTYNIAK Magdalena Anna
CY – ROUSOUNIDOU Vasiliki A.	IE – MCCARTHY Denis Alexis	PT – PEREIRA DA CRUZ Joao
CZ – FOUSKOVÁ Petra	IS – FRIDRIKSSON Einar Karl**	RO – MUNTEANU Manuela-Cornelia
DE – FLEUCHAUS Michael A.°	IT – MODIANO Micaela Nadia	RS – PRIBIC Jelena
DK – HEGNER Anette	LI – GYAJA Christoph Benjamin	SE – FRANKS Barry Gerard
EE – TOOME Jürgen	LT – PAKENIENE Ausra	SK – DREVENÝ Lukás
ES – LASANTA RICA César	LU – OCVIRK Philippe	SM – TIBURZI Andrea
FI – KOKKO Antti Ohto Kalervo	LV – FORTUNA Jevgenijs	TR – SIMSEK Meliha Merve

Technical Field: Information and Communication Technologies

CH – KAPIC Tarik°	GR – SAMOUILIDIS Emmanouil	NL – VAN WOUDENBERG Roel
DE – HEISKE Harald R.	IE – HANRATTY Catherine	PL – BURY Marek*
FR – LEBKIRI Alexandre	IT – MASCIOPINTO Gian Giuseppe	PT – SILVESTRE DE ALMEIDA FERREIRA Luís Humberto
GB – ASQUITH Julian Peter	LT – PAKENIENE Ausra	

Technical Field: Pharmaceuticals

BE – GEORGIEVA Mariya	DE – NESTLE-NGUYEN Denise Kim-Lien Tu-Anh	HU – SZENTPÉTERI Zsolt
BE – LEYDER Francis	FR – ROUSSEAU Pierick Edouard	IE – KELLY Donal Morgan
CH – WILMING Martin*	GB – SARDHARWALA Fatema Elyasali	IT – MODIANO Micaela Nadia
		PL – KAWCZYNSKA Marta Joanna

Technical Field: Chemistry

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