
THE ORGANISATIONAL STRUCTURE AND THE COMPETENCE OF THE EUROPEAN PATENT ORGANISATION (EPO)

INTRODUCTION

The European Patent Organisation (EPO) is an intergovernmental organisation established on 7 October 1977 on the basis of the European Patent Convention signed in Munich in 1973.

The idea under which the European Patent Convention was concluded is to unify and harmonize the European patent system and to strengthen the innovation protection cooperation in the European states.

The Convention provides possibility of filling a single patent application for multiple member states which is examined at one place, at the European Patent Office (EPO), in accordance with established standards and procedures. The patent based on such an application is granted in each designated state.

The European Patent Convention is a special agreement within the meaning of Article 19 of the Paris Convention for the Industrial Property Protection signed on 20 March 1883 in Paris and last revised on 14 July 1967 and a regional patent treaty within the meaning of Article 45 of the Patent Cooperation Treaty (PCT).

Since it was concluded, the European Patent Convention was amended several times. The current version of the Convention which other related legal acts can be found at the EPO web site as well as databases and other relevant information.

The EPO currently includes 38 member states, 2 extension states and 2 non-European states in which the European patents are valid.

The European Patent Organisation is a legal personality represented by the EPO President and comprised of two bodies: the European Patent Office located in Munich with a branch in The Hague and sub-offices in Berlin and Vienna, and the Administrative Council which supervises the Office's work.

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION

The Administrative Council is one of the two European Patent Organisation's bodies. The Administrative Council has legislative powers in the EPO important policy issues and it also acts as the Office's supervisory body. The Council holds meetings four times a year. The Council's official languages are English, French and German.

The Administrative Council Composition. The Administrative Council is composed of the Chairman, the Deputy Chairman, participants (member states representatives, the EPO President supported by the EPO staff, the Board of Auditors with employees), observers (observer states representatives, intergovernmental and non-governmental organisations, epi), and Council Secretariat.

The Administrative Council Secretariat is responsible for organization and coordination of the meetings of the Administrative Council and its bodies: preparation and distribution of the documents, the assistance to the President, agendas and minutes drafting.

The most documents for the Administrative Council and its committees meetings are submitted by the EPO President. Therefore, Administrative Council Secretariat acts also as a link between the Administrative Council Chairman and the EPO President.

The Administrative Council Secretariat is also responsible of organising Diplomatic Conferences and acts as the Board of Auditors Secretariat.

The Administrative Council bodies are Technical and Operational Support Committee, Patent Law Committee, Budget and Finance Committee, Select Committee.

The Technical and Operational Support Committee – TOSC provides the Administrative Council with opinions and proposals on operational, technical and infrastructural patent information aspects, accessibility of the patent information to the patent examiners and to the users, the EPO cooperation with

other organisations, development of the European patent protection system, European Quality System, European Patent Network, and other matters.

The Technical and Operational Support Committee consists of the member states representatives and the EPO President supported by the EPO staff.

At the TOSC meetings, observers could be the observer states, the WIPO, the EUIPO, epi, the Board of Auditors with staff.

The Patent Law Committee – PL advises the Administrative Council on any amendment to the European Patent Convention provisions related to time limits, any amendment to the EPC implementation provisions, on any legal matters concerning the European Patent Convention revision or the member states' national laws harmonisation in the European Patent Convention implementation, on certain aspects of the international patent law which may affect the European Patent Convention, on member states' legal matters; or at the request of either the Administrative Council or the President of the European Patent Office, on any legal question related to the European Patent System.

Patent Law Committee is composed of the member states representatives and the EPO President supported by the EPO staff. The Board of Auditors may also participate in the Committee's work.

At the PL meetings, observers could be observer states, the WIPO, the EUIPO, epi and BUSINESSEUROPE.

The Select Committee – SC is composed of the EU member states representatives and the EPO President supported by the EPO staff. The other EPO member states are observers. The SC is responsible for the Unitary Patent – UP issues.

The Board of Auditors carries out its activities in accordance with Articles 49 and 50 EPC. The Board consists of three members. The Board of Auditors' report makes the mandatory part of the annual financial report.

The Budget and Finance Committee – BFC is set up under Article 3 of the EPO Financial Regulations. The Committee is composed of the member states representatives, the EPO President supported by the EPO staff and the observers (the Board of Auditors with the staff, epi and BUSINESSEUROPE).

THE EUROPEAN PATENT OFFICE

The European Patent Office was established under the European Patent Convention with the aim of setting up a single, effective, high quality procedure for innovation protection in European states, to provide reliable, complete and up to date patent and innovation information, and to provide expert training for national offices employees, patent professionals, judges, students and other stakeholders.

The EPO establishment provides a possibility of filing a single patent application with an effect in several designated member states to be examined in standardized, established procedure at the EPO. The patent granted upon such an application is to be validated in every designated state at a request.

The EPO is one of the PCT International Authorities authorized to draft International Search Reports and International Preliminary Examination Reports.

The European Patent Office is an executive body of the European Patent Organisation. The work of the EPO is supervised by the EPO Administrative Council.

The European Patent Office is managed by the President who forms the EPO Management Committee together with the five Vice-Presidents and four members.

The EPO, being a part of a wider community, conducts its activities in accordance with the social responsibility requirements.

Within the EPO the following bodies operate: the EPO Standing Advisory Committee, the European Roundtable on Patent Practice and the European Patent Academy.

Standing Advisory Committee before the EPO – SACEPO was established in 1978 on the initiative of the first EPO President, J. B. van Benthem in order to give "interested circles" a say in the development of the European patent system.

Membership is comprised of the industry representatives (nominated by *BUSINESSEUROPE*) and the patent professionals (nominated by *epi*) as well as some recognized IP experts appointed ad persona by the EPO President. SACEPO Members are nominated for a three year term.

The regular SACEPO meetings are usually held in Munich, in June. When needed, extraordinary meetings are held or written consultations performed.

European Roundtable on Patent Practice – EUROTAB was established in 1992 as a mechanism for the EPO and member states national offices to exchange views and compare approaches.

The aim of the EUROTAB is to ensure the EPO and the EPO member states awareness of the technology development current issues and to strive for harmonised approach on all patent procedures important areas between the EPO and the national offices.

Meetings are held once per year, usually in May, and the venue is rotated throughout the EPO member states. Invitations are issued to all of the national offices as well as to *epi*, *BUSINESSEUROPE* and *IFIA*.

European Patent Academy is engaged in promotion, support and education enhancement in the patent related IP field.

European Patent Academy provides organization and coordination of expert trainings within the EPO. The Academy was awarded Diesel Medal 2010 for the best innovation support.

The Academy offers diverse training programs depending on the target groups: national offices, government institutions and public-sector organisations staff, professional representatives, judges, students. E-learning is provided within the Academy.

BOARDS OF APPEAL

The EPO Boards of appeal though integrated in the EPO organisational structure are independent in their decisions and bounded only by the European Patent Convention.

Currently, there are 28 technical boards of appeal, plus the Legal Board of Appeal, the Enlarged Board of Appeal and the Disciplinary Board of Appeal. The members and chairmen are appointed for a five years term.

The public is informed about the Boards decisions via the European Patent Register and the EPO Official Journal; database of decisions is also available online and on the diskettes. A systematic overview titled "Case Law of the Boards of Appeal of the European Patent Office" is regularly published.

ACTIVITIES OF THE SERBIAN INTELLECTUAL PROPERTY OFFICE IN THE EPO

The Republic of Serbia is the member state of the European Patent Organisation since 1 October 2010. Activities of the Intellectual Property Office of the Republic of Serbia, as an authorized institution of one of the EPO member states, are performed in two directions. The first one is the IPO staff participation in the EPO Administrative Council's and its committees' work, while the second one is participation in numerous European Patent Network cooperation projects related to the IPO staff trainings and the IT system and other technical matters improvement. Serbian language and national patent documentation are integrated in the European Patent Register and the EPO patent information electronic systems.