

Sabine AGÉ

De: amba committee <committee@amba-epo.org>
Envoyé: mardi 28 juillet 2015 09:40
À: Sabine AGÉ; ccbe; president; munichjudge
Objet: Institutional Reform of the Boards of Appeal

Dear Mr Ebbink (President of EPLAW)

Dear Mrs Slazak (President of CCBE)

Dear Mr Tangena (President of epi),

The Association of the Members of the Boards of Appeal of the European Patent Office (AMBA) has noted with great interest your letters dated 4 June 2015 (EPLAW) / 15 May 2015 (CCBE) / 25 June 2015 (epi) concerning the proposal for the institutional reform of the Boards of Appeal of the European Patent Office as set out in CA/16/15.

The institutional reform of the BoA, as a pivotal part of the European patent system, is an important and delicate undertaking. It must correctly balance many legal aspects as well as improve the perception of independence of the BoA as a final instance judicial body (for refusals and revocations).

In an attempt to further encourage the debate on the institutional reform, AMBA has published on its website a [summary of the reform](#) and much of the relevant information as well as our own questionnaire, designed to explore the aspects of independence more thoroughly. You will find on our website our comments on CA/16/15, many of which correspond to comments made by EPLAW/CCBE/epi.

This complements the “ [Interim Report of the Boards of Appeal Working Party on the Institutional Reform of the Boards of Appeal](#) ” drafted by a Working Party of the Boards of Appeal. This report analyses whether the distribution of competences as proposed in CA/16/15 results in conflicts with the EPC and internationally recognised principles. In particular, the report analyses whether the distribution of competences as proposed in CA/16/15 leads to the appropriate balance between the competences of the Boards of Appeal with the rest of the European Patent Office and the Administrative Council. It also proposes an alternative institutional set-up which, in the view of AMBA, follows the internationally recognised principles by establishing a council for the judiciary.

AMBA takes the liberty of informing you about this information and alternative proposal since the underlying issues are a common concern. AMBA would also welcome any comment or suggestion that may further improve the website or the “Interim Report”, which AMBA would feed back to the Working Party.

Finally, AMBA is open for any discussion of the “Interim Report” that might broaden the factual basis of the discussion before the Administrative Council (probably at the earliest in the meeting of December

2015) ultimately takes its decision on the institutional reform on the basis of a future proposal drafted by the European Patent Office. Thus feel free to forward the report to the members of your associations.

Best regards,

The AMBA Committee