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organisation**

Verwaltungsrat

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Organisation**

Administrative Council

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SUBJECT:

Management report of the President of the Boards of Appeal for 2025

SUBMITTED BY:

President of the Boards of Appeal

ADDRESSEES:

Administrative Council (for information)

MAJORITY:

Not applicable

LEGAL BASIS:

Article 10(2)(e) EPC and Article 1 of the Act of Delegation (OJ EPO 2018, A 63)

RECOMMENDATION:

The Administrative Council is asked to note the Management Report of the President of the Boards of Appeal.

SUMMARY:

This document contains the Management Report of the President of the Boards of Appeal for 2025. It gives details of the activities of the President of the Boards of Appeal and developments in the Boards of Appeal in 2025.

The present document corresponds to BOAC 3/26, which received a favourable opinion at the 21st meeting of the Boards of Appeal Committee on 10 February 2026. As foreseen in Article 3(b) of the Act of Delegation, the President of the Office was given the opportunity to comment on the draft Management Report.

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1. Executive summary

In 2025, the Boards of Appeal (BoA) remained focused on delivering high-quality, timely decisions. The number of pending cases older than 24 months decreased from 729 at the end of December 2024 to 234 at the end of December 2025. On 31 December 2025, the share of pending cases older than 24 months was 10.5% (down from 21.5% on 31 December 2024). Although this is slightly above the 10% target set for 2025, two of the three technical fields met the objective by year-end, and the BoA as a whole are expected to do so in the first half of 2026. This timeliness objective will continue into 2026, while a dedicated task force mandated by the President of the BoA (PBoA) considers more ambitious goals for subsequent years.

After several years of decline, incoming workload started to stabilise in 2025 at lower levels. The technical boards of appeal received 1 477 cases in 2025 (20 fewer than in 2024) and settled 2 646 cases (371 fewer than in 2024). The Enlarged Board issued three referral decisions in 2025, in cases G 1/24, G 1/23 and G 2/24, and settled 47 petitions for review, 24 more than in 2024. On 31 December 2025, there were 2 220 appeal cases pending before the technical boards of appeal, 1 167 fewer than on 31 December 2024.

Ensuring high quality has consistently been a priority for the BoA and remains fundamental to their mission. In 2025, the BoA continued their initiatives and activities to support quality. The working party on quality-focused decision making organised a second series of workshops focusing on the steps prior to oral proceedings. It also updated various internal working aids and proposed a revised version of the 2020 paper on quality-focused decision making. Throughout the year, the Professional Development Committee organised regular trainings and presentations by both internal and external speakers, as well as the biannual Chairpersons' Days. Exchange with judicial counterparts, a key pillar of the BoA's quality initiatives, remained active in 2025, including two meetings with the Unified Patent Court (UPC), the Expert Judges Workshop and the European Judges' Forum in Venice. The BoA also met with user associations, including epi and BusinessEurope, and BoA representatives participated as speakers in around 30 conferences, seminars and round-table discussions. In July, the 11th edition of the Case Law of the Boards of Appeal was published. In light of the lower incoming workload, the BoA's non-core activities were reviewed in 2025 to identify opportunities to further support quality, with several work plans developed.

Institutional and organisational initiatives in 2025 included the implementation, in consultation with the UPC, of a workflow to ensure timely and coherent processing of parallel proceedings. Additionally, the BoA made substantial progress on their Digital Roadmap, including completion of a proof of concept for a modernised case management system and, following its positive evaluation, the launch of a Minimal Viable Product project. The BoA also monitored developments in artificial intelligence (AI) and, in October, the AI working group published an internal paper setting out various use cases for the application of Microsoft Copilot in the work of the BoA, as well as an additional resource complementing the main internal guidance on the use of AI-based tools. Furthermore, 2025 also saw the Administrative Council's unanimous approval in June of the proposal for the early termination of the lease agreement for the Haar building. Preparations are under way for the relocation of the BoA to PschorrHöfe at the end of 2026.

The BoA's accomplishments in 2025 were made possible by its staff, whose expertise, commitment and adaptability remain central to the success of the BoA. On 31 December 2025, the total number of staff, including the PBoA, was 218 (down from 230 on 31 December 2024). The BoA continued to foster a diverse, inclusive and engaged workforce in 2025, implementing several diversity and inclusion (D&I) initiatives and conducting a staff engagement survey.

The year also brought continuity at the helm of the BoA. At its 184th meeting, the Administrative Council reappointed Carl Josefsson as PBoA and in his judicial roles, with effect from 1 March 2027. In the context of his reappointment, the PBoA outlined the following priorities for what will be his third term: addressing the challenges arising from the incoming workload level, ensuring the smooth relocation of the BoA to the centre of Munich, modernising the BoA's case management system and fostering the harmonisation of procedural and patent law.

2025 in figures

*compared to December 2024

Workload and production

2 729 settled cases
3 071* ↘



1 537 new cases
1 567* ↘

234 cases (10.5%) older than 24 months
729 (21.5%)* ↘

2 220 appeal cases pending before the technical boards of appeal
3 387* ↘

3 Enlarged Board of Appeal decisions in cases G 1/24, G 1/23 and G 2/24

1 pending referral (G 1/25)

Quality initiatives

2 meetings with the UPC and other judicial dialogue including Expert Workshop, Case Law Conference, Venice Judges Forum, WIPO IP Judges Forum and Judicial Internship Programme



Meetings with user associations including epi, BusinessEurope and FICPI

2nd series of workshops on steps prior to oral proceedings

2nd edition of 'Quality-focused decision making' document and updates of various internal working aids

30 speaking engagements across global stages and expert forums

Oral proceedings

1 369 oral proceedings
1 613* ↘

62% by videoconference
57%* ↗

35% in person
40%* ↘

3% mixed mode
3%*



People

218 BoA staff
230* ↘



36.4% female
34.8%* ↗

22 nationalities represented from EPC contracting states
22*

160 members and chairpersons
171* ↘

23 chairpersons
26* ↘

25 legally qualified members
28* ↘

112 technically qualified members
117* ↘

57 support staff
58* ↘

Legal resources

11th edition of the CLB published



130 abstracts in

12 issues of the publication "Abstracts of decisions" and

49 000 page views of the CLB on average per month

2. Performance of the BoA: 2025 in review

2.1 Key metrics: workload and production

In 2025, a total of 1 537 cases were received and 2 729 cases were settled (1 567 and 3 071, respectively, in 2024). This was broadly in line with projections.

Table 1

Number of new and settled cases

	New cases		Settled cases	
	2024	2025	2024	2025
Enlarged Board of Appeal	31	25	23	50
Legal Board of Appeal	13	11	9	11
Technical boards of appeal	1 497	1 477	3 017	2 646
Disciplinary Board of Appeal	26	24	22	22
Total	1 567	1 537	3 071	2 729

2.1.1 Enlarged Board of Appeal

The main task of the Enlarged Board is to ensure the uniform application of the European Patent Convention (EPC). It provides answers to questions of law referred to it by either a board or the President of the Office under Article 112 EPC in order to ensure uniform application of the law, or if a point of law of fundamental importance arises. It is also competent to decide on petitions for review of BoA decisions under Article 112a EPC.

On 18 June 2025, the Enlarged Board issued its [decision in case G 1/24](#) ("Heated aerosol"). It concluded that the claims are the starting point and the basis for assessing the patentability of an invention, and the description and drawings must always be consulted to interpret the claims for this assessment.

On 2 July 2025, the Enlarged Board issued its [decision in case G 1/23](#) ("Solar cell"). It concluded that a product put on the market cannot be excluded from the state of the art within the meaning of Article 54(2) EPC for the sole reason that its composition or internal structure could not be reproduced by the skilled person.

On 25 September 2025, the Enlarged Board issued its [decision in case G 2/24](#) ("Skin cleanser"). It confirmed its previous decision [G 3/04](#) and concluded that, after withdrawal of all appeals, appeal proceedings may not be continued with a third party who intervened only during the appeal proceedings.

On 29 July 2025, Technical Board of Appeal 3.3.02 referred the following points of law to the Enlarged Board by interlocutory decision in case [T 697/22](#) (G 1/25 "Hydroponics", OJ EPO 2025, A59):

1. If the claims of a European patent are amended during opposition proceedings or opposition-appeal proceedings, and the amendment introduces an inconsistency between the amended claims and the description of the patent, is it necessary, to comply with the requirements of the EPC, to adapt the description to the amended claims so as to remove the inconsistency?

2. If the first question is answered in the affirmative, which requirement(s) of the EPC necessitate(s) such an adaptation?

3. Would the answer to questions 1 and 2 be different if the claims of a European patent application are amended during examination proceedings or examination-appeal proceedings, and the amendment introduces an inconsistency between the amended claims and the description of the patent application?

In 2025, the Enlarged Board received 24 petitions for review. It settled 47 petitions for review (24 more than in 2024) and a total of 27 are currently pending (23 less than on 31 December 2024). Of the settled petitions for review, two were considered allowable.

Table 2

Proceedings before the Enlarged Board of Appeal				
	New cases		Settled cases	
	2024	2025	2024	2025
Referrals	2	1	0	3
Petitions for review	29	24	23	47
Total	31	25	23	50

2.1.2 Legal Board of Appeal

The Legal Board is responsible for reviewing decisions of the administrative departments of the Office on issues of an essentially procedural nature. It is competent to hear appeals from decisions of the Receiving Section and the Legal Division. In certain cases, it also decides on appeals against decisions of the examining divisions, provided that the decision under appeal does not concern the refusal of a European patent application or the grant, limitation or revocation of a European patent.

In 2025, the Legal Board received 11 new cases, two fewer than in 2024. It settled 11 cases, two more than in 2024. There are 11 pending cases.

Table 3

Proceedings before the Legal Board of Appeal				
	New cases		Settled cases	
	2024	2025	2024	2025
Legal Board of Appeal	13	11	9	11

2.1.3 Technical boards of appeal

In 2025, the technical boards of appeal received 1 477 appeal cases, 1.3% fewer than in 2024. A total of 2 646 technical appeal cases were settled, a 12.3% decrease on 2024.

Table 4

Number of new and settled cases by type of procedure and technical field

Technical boards of appeal (type of procedure and technical field)	New cases		Settled cases	
	2024	2025	2024	2025
Ex parte (examination procedure)	377	264	946	668
Inter partes (opposition procedure)	1 120	1 213	2 071	1 978
Total	1 497	1 477	3 017	2 646
Mechanics	553	620	988	942
Chemistry	519	501	937	860
Physics/Electricity	425	356	1 092	844

A total of 668 ex parte cases were settled in 2025 (2024: 946), of which 259 were settled by a decision. Of these 259 cases, 242 (36.2%) were settled after a decision on the merits, i.e. not terminated as a result of rejection due to inadmissibility, because of withdrawal of the appeal or patent application, or for some other reason. The outcomes of these 242 cases are shown below in Figure 1. The remaining 409 (2024: 606) were settled without a decision. In 358 of these (2024: 524), the appeal was withdrawn after a substantive communication by the board.

Figure 1

Ex parte cases settled after a decision on the merits

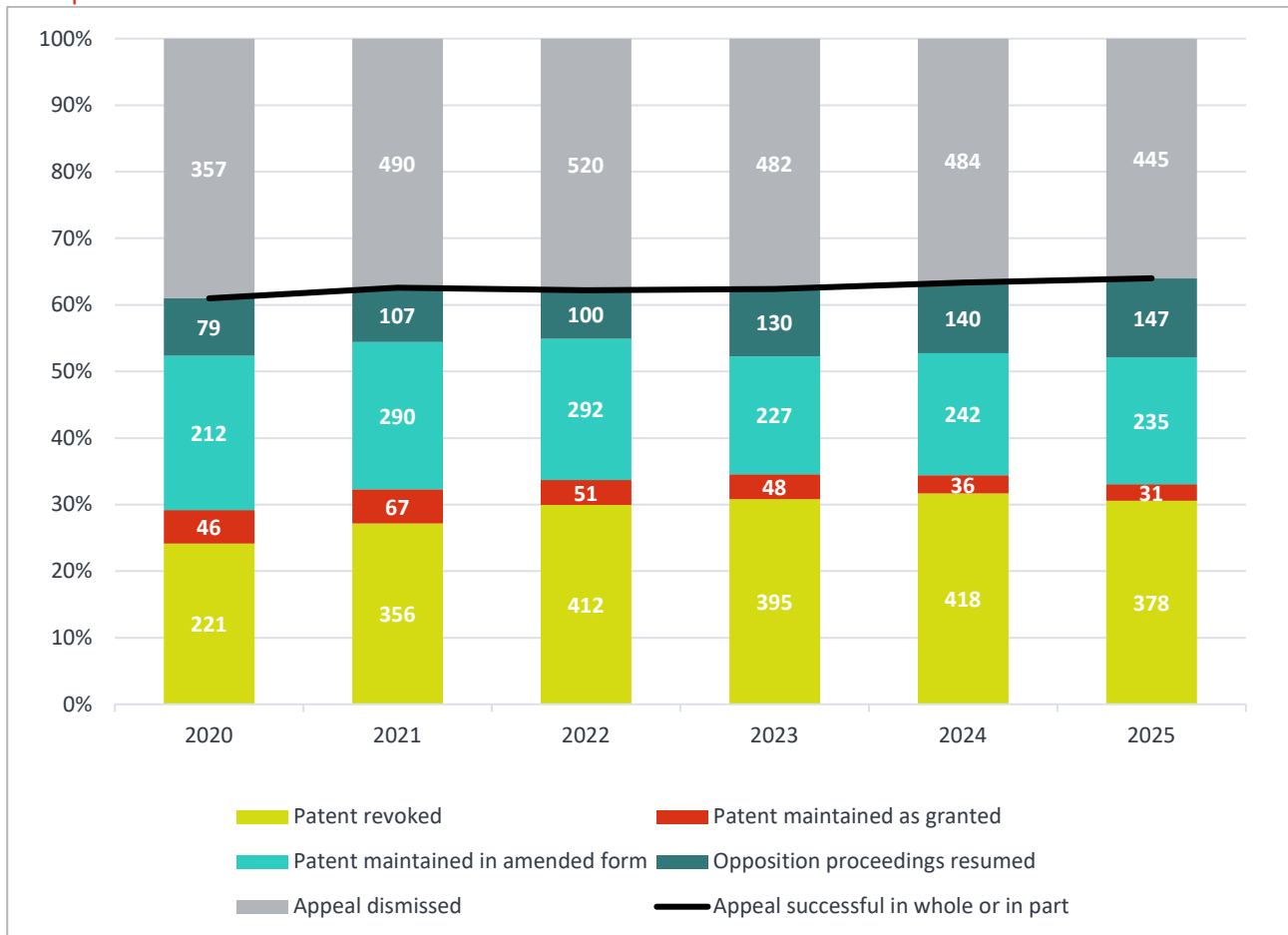


A total of 1 978 inter partes cases were settled in 2025 (2024: 2 071), of which 1 299 were settled by a decision.

The number of inter partes cases settled after a decision on the merits, i.e. not terminated as a result of rejection due to inadmissibility, because of withdrawal of the appeal, or for some other reason, was 1 236 (62.5%). The outcomes of these 1 236 cases are shown in Figure 2 (no distinction is drawn between appeals by patent proprietors and appeals by opponents; in any one case, there may be more than one appellant). Of the 679 (2024: 695) inter partes cases that were settled without a decision, the appeal was withdrawn after a substantive communication by the board in 411 cases (2024: 486).

Figure 2

Inter partes cases settled after a decision on the merits



In 2025, there were 768 withdrawals after a substantive communication of the board, a decrease of 24.2% on the 1 013 withdrawals in 2024.

2.1.4 Disciplinary Board of Appeal

The Disciplinary Board of Appeal decides on appeals in cases relating to the European qualifying examination for professional representatives before the EPO (EQE) and in cases relating to disciplinary matters regarding professional representatives.

In EQE cases, the Disciplinary Board of Appeal is composed of two legally qualified members and one European professional representative; in disciplinary cases, it is composed of three legally qualified members and two European professional representatives.

In 2025, the Disciplinary Board of Appeal received 24 new cases and settled 22 cases. All but one of the settled cases were EQE-related. There are 21 pending cases before the Disciplinary Board of Appeal. Due to the timing of the EQE, most EQE appeals are filed in the second half of the year.

Table 5

Proceedings before the Disciplinary Board of Appeal

	2024	2025
New cases	26	24
EQE	26	23
Disciplinary	0	1
Settled cases	22	22
EQE	21	21
Disciplinary	1	1
Pending cases	19	21
EQE	18	20
Disciplinary	1	1

2.1.5 Enhanced cooperation with the Office on workload and production plan

Precise and granular information on the Office's production plan is key to effective workload and production planning at the BoA. Regular workload meetings with the Office, introduced in 2024 following the Board of Auditor's recommendation to enhance cooperation with the Office so that more precise information on the expected distribution of cases by technical field is provided, continued in 2025.

2.2 Number and format of oral proceedings

In 2025, there were 1 369 oral proceedings (1 614 in 2024), with the majority taking place by videoconference. The table below shows the distribution of the various formats of oral proceedings in 2025. For more information on all aspects of oral proceedings before the BoA see [Oral proceedings before the Boards of Appeal](#) on the EPO website.

Table 6

Modes of oral proceedings

Format	Description	2024	%	2025	%
Oral proceedings by videoconference	All members, parties, representatives and/or accompanying persons attend by videoconference.	913	57%	851	62%
Oral proceedings in person	Members, parties, representatives and/or accompanying persons attend in person.	646	40%	481	35%
Mixed-mode oral proceedings	Some parties, representatives and/or accompanying persons attend by videoconference while others attend in person. Exceptionally, one or more board members may also attend by videoconference.	55	3%	37	3%
Total		1 614	100%	1 369	100%

2.3 Language of proceedings

Table 7 below shows a breakdown of the language for appeals filed and oral proceedings scheduled and held by the technical boards of appeal. Overall, the balance between the languages remains fairly stable.

Table 7

Language of proceedings	English		German		French	
	2024	2025	2024	2025	2024	2025
Appeals filed before the technical boards	73.1%	71.5%	23.1%	24.5%	3.8%	4.0%
Oral proceedings scheduled by technical boards	74.3%	75.0%	20.9%	21.0%	4.8%	4.0%
Oral proceedings held by technical boards	70.6%	72.2%	23.6%	23.8%	5.8%	4.0%

3. Progress on BoA strategic objectives

3.1 Focus on timeliness

The number of pending cases older than 24 months decreased from 729 at the end of December 2024 to 234 at the end of December 2025. On 31 December 2025, the share of pending cases older than 24 months was 10.5% (down from 21.5% on 31 December 2024). Although this is slightly above the objective that by the end of 2025 no more than 10% of cases will be older than 24 months (European Commission for the Efficiency of Justice (CEPEJ) timeframe B), two of the three technical fields met the objective by year-end, and the BoA as a whole are expected to do so in the first half of 2026.

Figure 3 shows the percentage of stock older than 24 months between the end of 2020 and the end of 2025. Table 8 provides a more detailed breakdown of the age of stock, both overall and by technical field. Figure 4 shows the number of backlog cases (cases pending for more than 24 months) from the end of December 2020 to the end of December 2025.

Figure 3

Percentage of pending cases older than 24 months

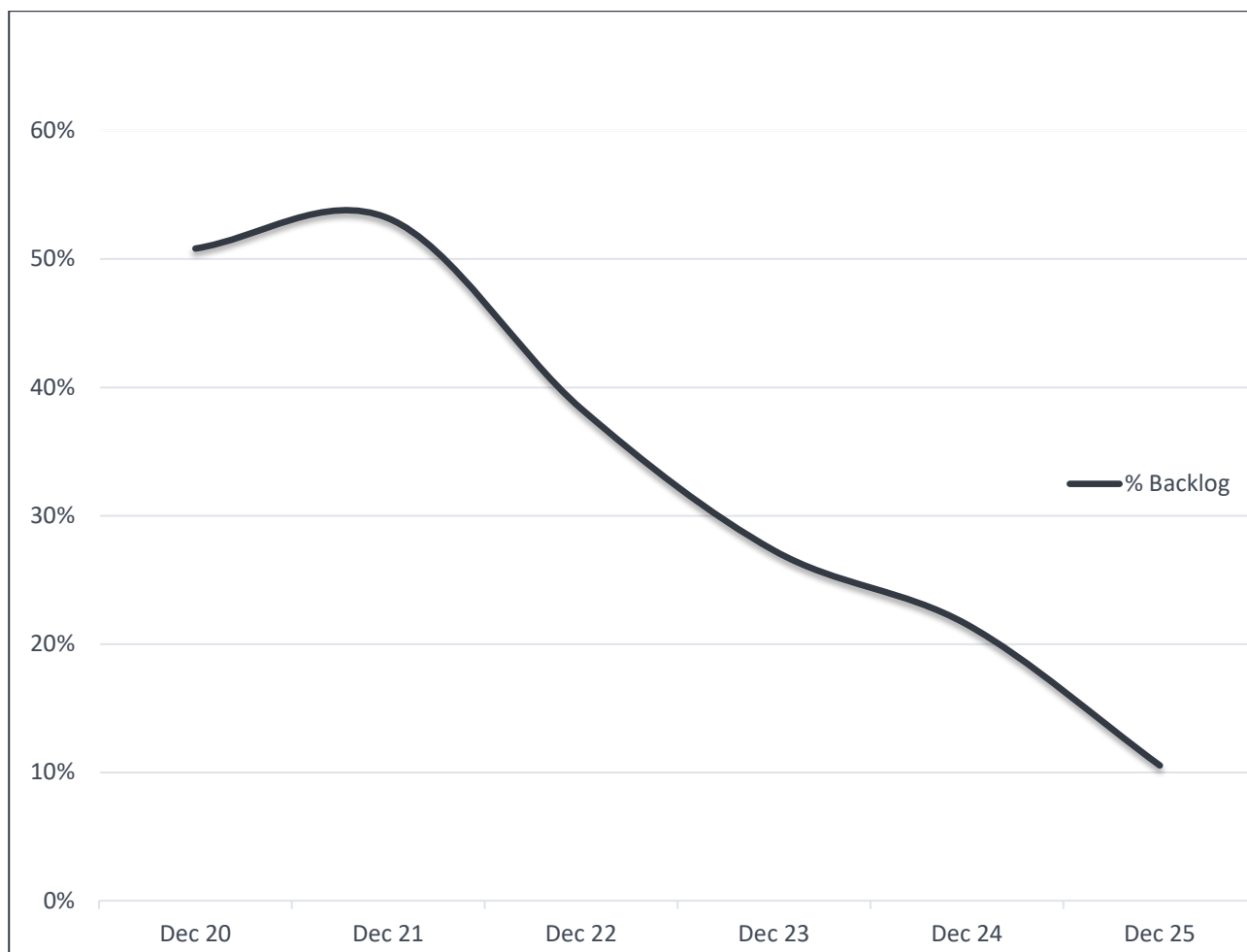


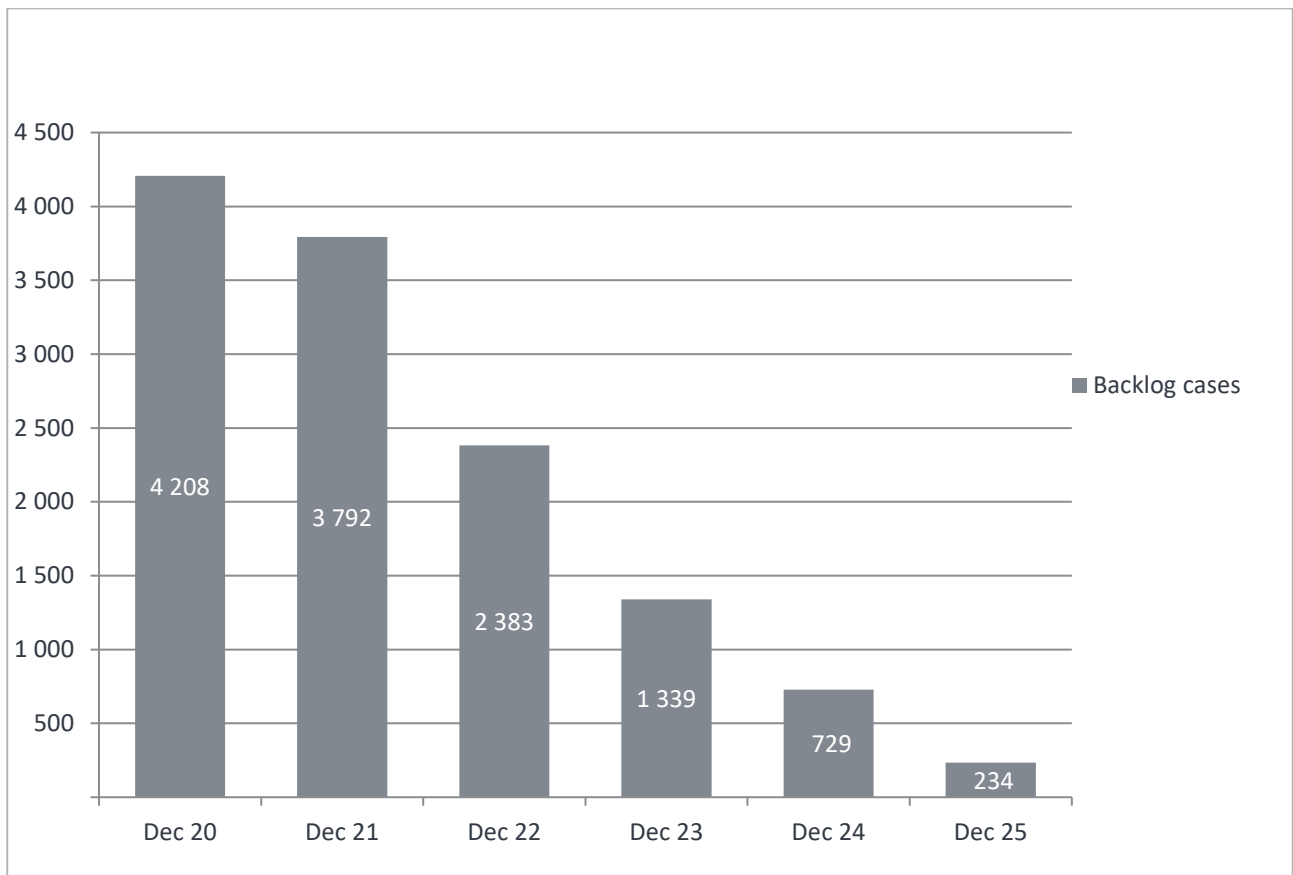
Table 8

Pending cases by pendency time (CEPEJ timeframe B)

		0-6 months	7-12 months	13-18 months	19-24 months	Backlog over 24 months	Total pending
2024	Pending cases	473	708	660	817	729	3 387
	Percentage	14.0%	20.9%	19.5%	24.1%	21.5%	100%
2025	Pending cases	442	670	449	425	234	2 220
	Percentage	19.9%	30.2%	20.2%	19.1%	10.5%	100%
	Mechanics	22.4%	35.2%	19.1%	17.5%	5.7%	100%
	Chemistry	21.3%	28.5%	21.2%	24.7%	4.4%	100%
	Physics/Electricity	14.9%	25.7%	20.5%	14.2%	24.7%	100%

Figure 4

Backlog cases (= pending cases over 24 months)

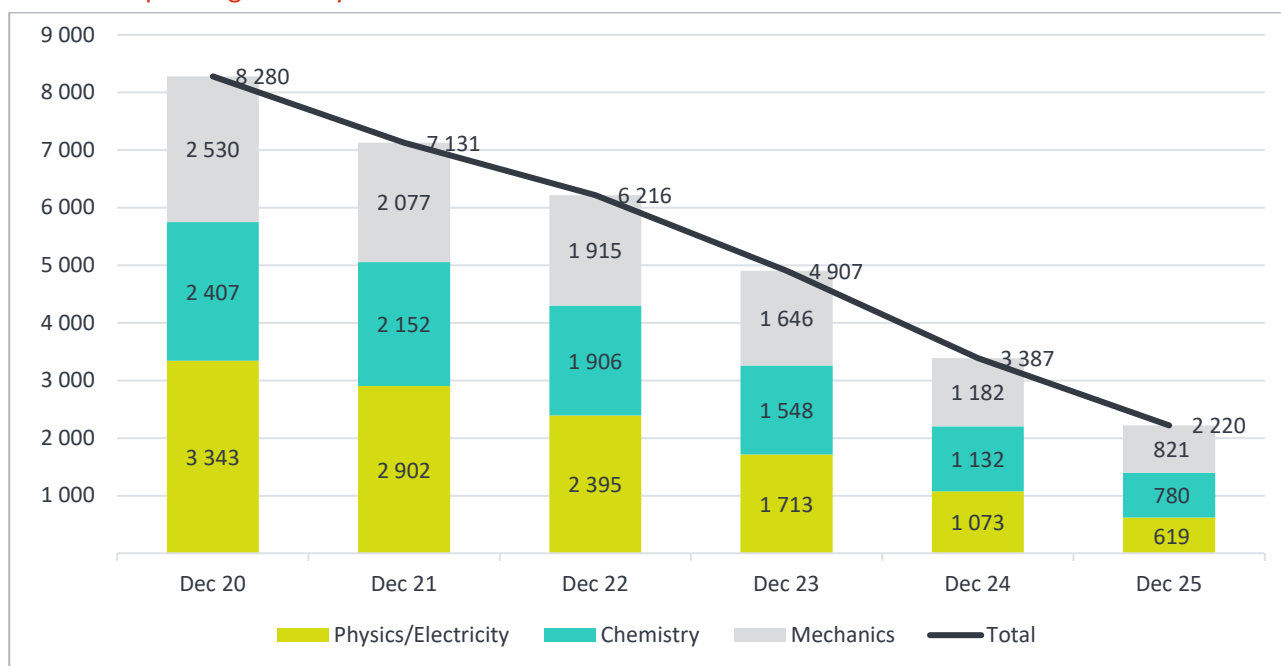


3.2 Number of pending cases

On 31 December 2025, there were 2 220 appeal cases pending before the technical boards of appeal, 34% fewer than on 31 December 2024. Figure 5 shows the number of pending cases from the end of December 2020 to the end of December 2025 by technical field.

Figure 5

Number of pending cases by technical field



3.3 Enhanced cooperation between boards

Enhanced cooperation between boards is key to achieving the timeliness objective. To this end, the incoming workload continues to be closely monitored. This helps to highlight those technical fields in which timeliness objectives either have not yet been met or are at risk, and to reallocate workload to boards which have overlapping technical expertise. Chairpersons regularly review the planning figures in their technical field and discuss how best to meet the timeliness objective.

The Field Chair, i.e. the chairperson serving as co-ordinator for a particular technical field (mechanics, chemistry and physics/electricity), works closely with the chairpersons of the respective boards to rebalance workloads in that technical field.

3.4 Objectives for 2026 and beyond

The current timeliness objective (CEPEJ timeframe B) will continue into 2026, with the BoA aiming to ensure that by the end of 2026, no more than 10% of pending cases are older than 24 months.

Looking ahead, the PBoA has mandated a task force to propose timeliness objectives applicable as of 2027. The task force is composed of members and chairpersons of the BoA, as well as representatives from Administrative Services, including registrars.

4. People

4.1 BoA staff as of 31 December 2025

On 31 December 2025, the headcount of members and chairpersons of the BoA was 160. The 23 chairpersons, 112 technically qualified and 25 legally qualified members are divided among 22 technical boards and the Legal Board. There are 57 staff members in the support services. The total number of BoA staff, including the PBoA, is 218 (down from 230 on 31 December 2024). In addition, the BoA host seven young professionals within the framework of the Office's Young

Professionals Programme.

4.2 President of the Boards of Appeal's reappointment

At its 184th meeting, the Administrative Council reappointed Carl Josefsson as PBoA, Chairperson of the Enlarged Board and legally qualified member of the BoA with effect from 1 March 2027. It also reappointed him for an additional term as Chairperson of the Disciplinary Board of Appeal. In the context of his reappointment, the PBoA outlined the following priorities for what will be his third term: addressing the challenges posed by the incoming work level, ensuring a smooth relocation to PschorrHöfe, modernising the BoA's case management system and fostering the harmonisation of procedural and substantive law.

4.3 Recruitment and end of service

In 2025, two chairperson vacancies arising from retirements were advertised and filled, one in the field of electricity and one in the field of chemistry. Three support service vacancy notices were also published and filled internally. One was for the role of Advisor and Head of the PBoA's Office, a position which was filled on 1 April 2025, one for the role of Head of the Legal Research Service, a position which was filled on 1 June 2025, and another for the role of Lawyer of the Legal Research Service, which was filled on 1 November 2025. Vacancy notices were also published inviting applications from young professionals to join Directorate 3.6 Administrative Services and 3.7 Legal Services. Six young professionals joined the BoA on 15 September 2025. In addition, filling a vacant position, a management assistant transferred from the Legal Research Service to the PBoA's Office on 1 February 2025. Finally, an internal vacancy notice was published in November 2025 for the role of a Business Analyst in the Directorate Administrative Services.

In 2025, two staff members from the support services, five chairpersons, four technically qualified members and two legally qualified members left the BoA.

On 1 October 2025, a new online tool became available that enables all EPO staff to submit requests for retirement or resignation digitally. While requests by BoA support staff follow the Office's workflow, requests made by chairpersons or members of the BoA follow a dedicated workflow involving the Council Secretariat granting approval and thereby issuing the relevant certificate.

4.4 Evolution of gender balance

The proportion of female staff at the BoA increased slightly in 2025. As at 31 December 2025, 36.4% of all BoA staff were female (up from 34.8% in 2024). Table 9 below includes a detailed breakdown of staff by role and gender since 2021.

Table 9

Staff by role and gender

	Gender	2021	2022	2023	2024	2025
Chairpersons	Female	13.8%	17.9%	14.8%	15.4%	17.4%
	Male	86.2%	82.1%	85.2%	84.6%	82.6%
Legally qualified members	Female	35.5%	38.7%	45.2%	42.9%	48.0%
	Male	64.5%	61.3%	54.8%	57.1%	52.0%
Technically qualified members	Female	18.4%	17.7%	18.0%	18.8%	19.6%
	Male	81.6%	82.3%	82.0%	81.2%	80.4%
Support staff	Female	70.7%	72.6%	71.2%	72.4%	71.9%
	Male	29.3%	27.4%	28.8%	27.6%	28.1%
Total	Female	31.8%	33.7%	34.2%	34.8%	36.4%
	Male	68.2%	66.3%	65.8%	65.2%	63.6%

4.5 Nationality

A total of 22 member states' nationalities were represented in the staff of the BoA as at 31 December 2025 (19 for members and chairpersons and 16 for support staff). A detailed breakdown of BoA staff by nationality and gender is included in Table 10 below.

Table 10

BoA staff by nationality and gender

Role	Gender	AT	BE	BG	CH	CY	DE	ES	FR	GB	GR	HU	IE	IT	LU	NL	PL	PT	RO	SE	SI	SK	TR	BoA All
President of the BoA	Male																			1				1
Chairpersons	Female	1	1											1				1						4
	Male	3		1			6		1	2				5		1								19
Legally qualified members	Female	1	1			1	5	1	2					1										12
	Male	2	1		1		6			1		1		1										13
Technically qualified members	Female		1	1			10	1	3	1				1				3		1				22
	Male	4	4		1		32	10	14	6	1		1	8	3	2	1	1	1	1				90
Support staff	Female						19	7	4	5				1				1		1	1	1		41
	Male		2				4		2	1	2		1	1	1			1					1	16
Total		11	10	2	2	1	82	19	26	16	3	1	2	19	4	3	2	6	2	4	1	1	1	218

4.6 Breakdown of staff by job group and grade

As at 31 December 2025, 161 staff were in job groups 2 and 3, primarily being members and chairpersons. A detailed breakdown of BoA staff by job group and gender is included below.

Table 11

BoA staff by job group and grade

Job group	1	2	3	4				5			6				Total			
Grade	G17	G16	G14	G15	G08	G09	G10	G11	G12	G13	G08	G09	G10	G06		G07	G08	G09
Female		4	12	22		1	2	3	4	1	1		1	2	9	7	10	79
Male	1	19	27	77	1	2	2			3	1	1	1		1	2	1	139
All BoA staff	1	23	39	99	1	3	4	3	4	4	2	1	2	2	10	9	11	218

4.7 Diversity and inclusion initiatives

The BoA recognise the importance of promoting D&I across all aspects of their work. In 2025, the PBoA approved a proposal by the BoA's working party on D&I to integrate D&I into the [BoA internet section](#), which is now available in the three official languages. The working party also worked on adapting BoA forms and other documentation to use gender-neutral language. In addition, in November 2025, it organised again one of its lectures to raise awareness among BoA staff on D&I issues, this time with a focus on micro-messages and non-violent communication.

4.8 Staff engagement survey

A staff engagement survey was conducted in October 2025, providing an opportunity for staff to share their feedback on various aspects of their life at work. It covered a range of topics, including well-being and engagement, collaboration within teams, training and development, D&I, working effectiveness, service focus and social activities. The results will be discussed with the Presidium in early 2026.

4.9 External and after services activities

In 2025, there were 20 requests for external activities, such as publishing or lecturing at conferences or universities. Under Article 8 of the Code of Conduct for Members of the Boards of Appeal and of the Enlarged Board of Appeal (Code of Conduct), members may engage in external activities only if they are compatible with their judicial duties. The PBoA, assisted by the Advisory Committee on the Code of Conduct, is responsible for ensuring the proper application of the Code of Conduct.

Following the introduction of the Conflicts of Interest Prevention Tool for EPO staff, including BoA support staff, the tool was made available to chairpersons and members of the BoA in November 2025, in accordance with a dedicated workflow set up for this purpose. As well as allowing external activities to be declared or approved, the tool enables other types of conflict of interest or personal interest that could interfere with judicial duties to be disclosed.

In 2025, there was one request for after services activities. After services activities fall within the scope of Article 20a(2) of the ServRegs, which requires board members who intend to engage in any occupational activity, whether gainful or not, within two years of leaving the service, to inform the Council. Requesters are required to declare that they will not engage in any activity that would adversely affect the integrity of the EPO's appeal system. Before taking a decision, the Council receives an opinion from the PBoA on the impact of the activity on the integrity of the EPO's appeal system and the public perception of the member's independence and impartiality during their term of office as a board member. Requests mainly regard consultancy work, either on a freelance basis or for a law firm, or to act as a trainer or lecturer. There have also been requests to join the UPC as a technically qualified judge.

4.10 Non-core activities

Non-core activities relate to all activities performed by board members and chairpersons during working hours that do not directly involve the processing of specific appeal cases. They form an integral part of the BoA's portfolio and are adapted to the expertise and workload of each board. The level of engagement will therefore be reviewed each year, depending on the amount of extra capacity available.

The following four categories of non-core activities are envisaged: (1) PDC lectures and internal BoA case law exchanges; (2) BoA working parties and task forces; (3) providing training, lecturing and writing (within the BoA, the EPO or to external parties) and (4) upskilling/reskilling. The key drivers for all these activities are the continuous improvement of the quality of the work of the BoA, the training and information needs of BoA stakeholders, and the professional and personal development of BoA members and staff.

Work plans with DG5 (Patent Academy) and DG1 for 2026 have been developed collaboratively and presented to the Presidium. These plans allow board members to engage in a variety of activities that are of mutual interest to, and benefit, both the DGs and the BoA. In addition to these work plans, a concept for a BoA Residency Program has also been presented to the Presidium. The program would enable board members to undertake study visits at either the UPC or the national courts, facilitating further improvements in quality and harmonisation through mutual exchanges and heightened awareness of decisions and practices.

5. Quality

5.1 Approach to quality at the BoA

The BoA remain focused on delivering high-quality, timely decisions. Throughout 2025, the BoA continued to launch and participate in initiatives and activities to support quality.

5.2 Initiatives of the working party on quality-focused decision making

Since its establishment by the PBoA in 2018, the working party on quality-focused decision making has been actively contributing to enhancing the quality of BoA decisions. During the first half of 2025, the working party continued to organise and facilitate the second series of internal workshops initiated in 2024. The aim of these workshops was to provide a forum for the exchange of practical tips, experience and knowledge, with the ultimate goal of promoting harmonisation.

The workshops focused on the steps prior to oral proceedings, with particular emphasis on the workflow during these steps and the preparation and content of the communication under Article 15(1) of the Rules of Procedure of the Boards of Appeal (RPBA). Participation was voluntary. There were participants from all technical fields and levels of seniority, including legally and technically qualified members as well as registrars. Around half of all members and chairpersons attended, and their feedback was very positive.

In the second half of 2025, the working party drew on the insights gained at the workshops to update various internal working aids. In addition, it proposed a revised version of the first edition of the 2020 paper on quality-focused decision making in which it took stock of the BoA efforts to promote knowledge sharing and to encourage consistency of case law.

5.3 Internal professional development opportunities

In 2025, the BoA continued to engage in professional development activities, which are a key contributor to the high quality of their work. The Professional Development Committee (PDC) organised several successful talks and presentations (in the form of online seminars and in hybrid format) held by both internal staff and external professionals and covering a wide range of topics. These included presentations by the working party on quality-focused decision-making on "Concise and comprehensive judicial decisions", by the members of the Legal Research Service on "New

case law research and resources", and by members on "Internet disclosures and missing YouTube videos", "Rules of Procedure of the BoA: selected topics" and "The wonderful world of trade marks and geographical indications". In June, two judges from the Patent Trial and Appeal Board (PTAB) of the United States Patent and Trademark Office gave an overview of the PTAB, as well as the US patent system in general, and how US courts assess obviousness. In October, a legally qualified member gave a lecture on decision G 1/23 and in November a university professor gave insight into the latest research in the field of computational legal theory. The series of presentations concluded in December with a presentation by a legal member on "Late submissions under the UPC".

In February, the BoA held an intranet survey to assess the demand for legal drafting courses in the three official languages. Given the results, courses will not be offered with the same frequency in future years.

As part of their ongoing professional and personal development, training in advanced conflict resolution was organised for chairpersons and members in two pilot sessions held in October and November 2025. These sessions were well attended and well received, and an assessment is underway regarding their continuation in 2026. Board members also had the opportunity to sign up to "Write.law", a legal writing platform which is operated by an external provider and includes AI-powered writing tools, courses, workshops and coaching.

The first Chairpersons' Day, a regular event which brings together all chairpersons and the PBoA, took place in May 2025. BoA organisational and operational topics were discussed, supported by presentations and ample discussion time, not only to cover topics such as the dialogue with the UPC in parallel proceedings (see section 6.3), but also to give an update on BoA metrics and to run an interactive session on HR resources and support. A judge of the High Court of Justice of England and Wales gave a lecture on high court judge craft, case management and steering hearings from a UK perspective.

The second Chairpersons' Day took place in October 2025 in the form of a workshop with an external facilitator. Through individual and group exercises, the chairpersons reflected on their own and others' leadership styles, as well as how to adapt these in different situations. After discussing the challenges ahead, the PBoA joined the workshop for a presentation of its findings.

5.4 External exchange with judicial counterparts and stakeholders

Discussions and dialogue with national courts, the UPC (see section 6.2), users and representatives continued in 2025. These exchanges are important for fostering interaction between national/UPC judges, users and the BoA, and for deepening knowledge of the respective legal and appeal systems.

5.4.1 Judicial dialogue

The BoA proactively maintain and highly value interaction with the judiciary and the courts they represent. The annual Judicial Internships Programme saw six judges from Croatia, Finland, Germany, Spain and Türkiye spend two weeks at the BoA in June 2025 studying case files for oral proceedings and gaining insights on both substantive and procedural aspects of applying the EPC. This was followed in July by the Expert Workshop 2025, at which almost 60 representatives from the BoA, the UPC and national judiciaries of 11 EPC contracting states met to debate patentability-related issues. Representatives of the BoA also participated in the 21st European Judges' Forum in Venice and the WIPO IP judges forum in October 2025. In November 2025, national and UPC judges

joined a lively panel discussion with the BoA at its annual Case Law Conference, debating aspects of inventive step.

5.4.2 Further exchanges with stakeholders

In 2025, BoA representatives participated as speakers in approximately 30 conferences, seminars and round-table discussions. These included the annual Fordham conference, a leading event for patent practitioners in the US and Europe, as well as events organised at the request of and in cooperation with the Patent Academy, such as online seminars on recent BoA case law for national patent office staff. In September, the BoA participated in the IP5 TAB High-Level Meeting, hosted by the Patent Re-examination Examination and Invalidation Department (PRD) of the China National Intellectual Property Administration (CNIPA).

The BoA also hosted numerous exchanges with stakeholders. In February, the annual bilateral exchange between the BoA and the PRD of CNIPA took place with a focus on inventive step in the field of siRNA-based medicines. In October, the BoA hosted the annual exchanges with epi, BusinessEurope and the International Federation of National IP Associations. This was followed in November by the Case Law Conference, in which over 960 participants enjoyed highlights from the BoA case law in 2025 and were able to direct questions to the speakers and panellists to ensure interactive, lively debate. Finally, in December the BoA hosted the annual exchange between the US Bar-EPO Liaison Council. Other stakeholder events hosted by the BoA have included visits by graduate students from the Technical University of Munich, and the Global IP Fellows, during which oral proceedings were observed.

5.5 Dialogue with the Office

The quality dialogue between BoA chairpersons and senior representatives from the Office focuses on procedural issues, feedback from users and aspects surrounding the validity of granted patents. As a concrete outcome of the quality dialogue, the BoA provide the Office with minimal metrics data to give clearer insights into the legal basis for decisions, thereby enhancing the quality of decisions taken by examining and opposition divisions.

5.6 Increased availability of legal resources

In July 2025, the 11th edition of the Case Law of the Boards of Appeal (CLB) was published. The CLB is one of the most used legal resources on the EPO website, with an average of over 49 000 page views per month (a significant increase from 39 000 in 2024). A new full edition of the CLB is published every three years, and since 2024 is supplemented with annual interim revisions of selected chapters to provide timely access to the latest case law developments in their judicial context. Preparations are already underway to update the CLB in 2026. As a further measure to ensure even more timely dissemination of case law, abstracts of decisions drafted by the Legal Research Service are now directly integrated into the relevant chapters of the HTML version of the CLB on a quarterly basis.

Twelve editions of the Abstracts of Decisions were published in 2025, providing summaries of key aspects of 130 selected BoA decisions.

To further support members and chairpersons in drafting their decisions, and the work of the BoA in general, the Legal Research Service carries out legal studies and research encompassing both substantive and procedural law. It additionally organises and supports events and exchanges, such as the meetings with user associations and the BoA Case Law Conference, and ensures that board members have access to the library and to any technical books they require.

5.7 Performance evaluation and objective-setting

The seventh full performance evaluation cycle for 2024 was completed in mid-2025. As in previous cycles, the BOAC was provided with a full report on the practical implementation of the performance evaluation system at its 20th meeting (BOAC/8/25). The BOAC gave a unanimous favourable opinion on the report. During the 2024 performance evaluation cycle of members of the BoA, the PBoA reviewed and assessed approximately 235 individual written opinions and issued 148 performance evaluation reports for members, deviating in only five cases from the chairpersons' written opinions.

In the 2025 performance evaluation of chairpersons, recognition was given not only for the achievement of objectives in terms of production, but also where the backlog of cases had been successfully reduced to the required percentage and, where applicable, where a board had contributed to mitigating timeliness risks by rebalancing the workload in co-operation with the other boards. The extent to which a board had contributed to the BoA's objectives in terms of timeliness of decisions and minutes was also taken into account. Demonstrated leadership in managing the members of the board, sometimes in challenging situations, as well as specific contributions in terms of additional tasks for the benefit of the BoA in general, were also specifically addressed in evaluation reports.

The objective-setting for the evaluation year 2026 began in mid-May 2025, with a particular focus on timeliness as in previous years, the acceleration of appeal proceedings in the event of parallel proceedings and a collaborative objective which requires chairpersons to cooperate actively by transferring or accepting transfers of cases where needed and technically appropriate.

6. Institutional developments

6.1 Budget implementation for 2024 and budget request for 2025

The budget implementation for 2024 ([CA/10/25](#)) was finalised in the first six months of 2025 and presented to the Administrative Council at its 183rd meeting in June 2025. The budget implementation ran smoothly with the cooperation of DG4.

Following the BOAC's unanimous favourable opinion (BOAC/7/25), the 2026 BoA budget was adopted by the Administrative Council at its 185th meeting as part of the EPO's overall 2026 budget request ([CA/50/25](#)).

6.2 Exchange between the UPC, the BoA and the Office

In 2025, two meetings between delegations led by the President of the UPC Court of Appeal, the PBoA and the Office's Principal Director, Patent Law and Procedures took place, the first hosted by the BoA at the BoA premises in Haar and the second by the EPO at its seat in Munich. Co-chaired by the President of the UPC Court of Appeal and the PBoA, the meetings focused on organisational and training matters.

In the spring meeting, the participating delegations discussed the continuation of regular exchanges between UPC judges and BoA members at conferences, such as the annual BoA Expert Judges Workshop and the European Judges' Forum in Venice, as well as the participation of BoA members as speakers at UPC training events (and vice versa). In addition, the delegations exchanged views on the handling of parallel proceedings concerning the same European patent before a division of the UPC Court of First Instance or the UPC Court of Appeal on the one hand and the opposition divisions of the Office and the BoA as the central judicial body in proceedings under the EPC on the other.

In the autumn meeting, the participating delegations provided an update on actions taken and planned since the last meeting concerning organisational and training matters. They also exchanged views on the handling of parallel proceedings. Furthermore, the UPC and BoA delegations agreed on the possibility of arranging mutual study visits, as well as ways to improve the accessibility of UPC and BoA decisions to the judges and members.

6.3 Parallel proceedings at the BoA and the UPC

The conditions for accelerating proceedings before the BoA in the event of parallel proceedings are set out under Article 10(3) to (6) RPBA and also outlined in the [notice from the BoA on accelerating proceedings](#) published on 19 January 2024.

At the BoA, a specific workflow has been established in consultation with the UPC to ensure the timely and coherent processing of parallel proceedings. This workflow also applies to parallel proceedings before a national court or other competent authority in an EPC contracting state. It optimises, facilitates and helps monitor the provision of information on parallel proceedings to the boards. To assist the technical board of appeal dealing with the same underlying patent, information from the UPC about parallel proceedings and any formal acceleration request is now registered in the BoA's case management system. The board can then, without delay, take a decision on acceleration which is subsequently registered and officially communicated to the parties and the UPC.

In addition, the central contact point established by the BoA enables the UPC, as well as national courts or other competent authorities in EPC contracting states, to request details of procedural measures taken or envisaged by the competent board in parallel proceedings.

In 2025, the technical boards decided to accelerate proceedings in 39 cases. Of these, 19 are being processed in parallel by the UPC, or have already been processed and settled.

7. Other organisational initiatives

7.1 Data protection

The independent oversight mechanism for the processing of personal data by the BoA in their judicial capacity (Independent Oversight Mechanism) established in 2024 entered into force on 1 March 2025.

On 28 February 2025, the [PBoA appointed the Data Protection Co-ordinator of the BoA](#) who decides on any request for review filed by a data subject in the framework of the Independent Oversight Mechanism. In addition, following a call for candidates, a new working party ("Rules of Procedure of the Board of Appeal for the judicial processing of personal data") was established and took up its work. It prepared a proposal, which was submitted to the BOAC (BOAC/4/26).

Finally, the enactment of the Independent Oversight Mechanism clarified in which operations the BoA processes data in their judicial capacity from other operations. This enabled the BoA to prepare the key documentation on data protection, as required by the Data Protection Rules of the EPO.

7.2 Document retention policy and migration to OpenText

In line with the EPO Retention Policy (ERP), the legal framework for the retention and maintenance of files and records kept by the Office, the BoA developed their own BoA Retention Policy (BRP), which closely mirrors the ERP. This initiative presents a further step in the BoA's ongoing digital transformation and further supports the BoA's sustainability efforts.

The BRP specifies the retention period and post-retention action for each file and record category, as determined by the relevant BoA lead units. The corresponding BoA Retention Schedule categorises files and records according to their BoA lead unit, nature, and subject matter.

At the same time, in line with the Office-wide implementation of new document storage solutions, all relevant BoA document libraries were migrated to OpenText.

7.3 Modernising and consolidating the digital environment of the BoA

In 2025, the BoA made substantial progress in implementing their Digital Roadmap, focusing on modernising systems and services across all operational areas. Much of the work concentrated on establishing the technical foundations required for future digital improvements.

A central milestone was the completion of a proof of concept for a modernised case management system, developed jointly with the Business Information Technology (BIT) departments of the Office. A prototype demonstrated how future appeal case handling could be supported by modern, integrated tools. Following its positive evaluation, the Programme Board, chaired by the PBoA, approved the launch of a Minimal Viable Product project, with the initial phase of preparatory activities already in progress.

Progress was also made on modernising decision publication, with groundwork completed for a more streamlined and reliable process that will serve as a single source of decision data for the BoA and other systems. In the area of case law services and products, preparatory work was concluded to enable the future delivery of an improved content management solution and unified access platform. Work also progressed on providing more efficient ways for members to search and retrieve decisions, with a first version of the new search functionality entering testing. Further steps were taken to enhance digital processes in the Office of the PBoA, including initial workflow reviews and the digitisation of key archives.

Oversight of the Digital Roadmap continues to be provided by the Programme Board chaired by the PBoA, supported by the programme manager and business change manager, and in close coordination with senior BIT management. The focus for 2026 will be to transition from preparation to tangible delivery across all streams of the Digital Roadmap.

7.4 Developments on the use of artificial intelligence

In 2025, the AI subgroup of the Automation Steering Committee (ASC) continued to monitor developments in this evolving area. The subgroup met regularly to discuss various aspects of implementation and usage of AI tools within the BoA context, as well as tools available to patent professionals for drafting patent applications. In particular, as part of an EPO pilot, members of the subgroup have been testing Microsoft Copilot with use cases from their areas of work. In October 2025, the subgroup published an internal paper setting out various use cases tested for the application of Microsoft Copilot in the work of the BoA. In a second paper also published in October 2025 as a complementary resource to the main internal guidance document on the use of AI-based tools at the BoA, the subgroup provided further internal guidance on the appropriate delegation of tasks to AI. This document is intended to support members of the BoA in making informed, compliant, and effective use of AI assistance, offering a practical breakdown of which tasks may be appropriately delegated to AI tools and which must remain strictly within the remit of BoA members.

Following the announcement of the [President of the Office's decision](#) on the use of AI tools to prepare minutes in first instance proceedings, the AI subgroup is currently conducting a feasibility study on audio recording of oral proceedings in the BoA and AI processing of the respective transcripts.

The AI subgroup is planning a series of internal AI-focused workshops, the first of which will be held in early 2026.

7.5 Relocation

Following the joint announcement in December 2021 by the President of the Office and the PBoA that the BoA would move back to central Munich, the Administrative Council at its 183rd meeting unanimously approved the Office's proposal for the early termination of the lease agreement for the Haar building (see [CA/43/25](#)). This means that the BoA will relocate to PschorrHöfe (office space in building 7 and oral proceeding rooms in building 6) at the end of 2026.

The BoA's relocation group has been tasked with preparing the relocation in such a way that the boards can continue to fulfil their core activities of dealing with appeal cases effectively and seamlessly. In close collaboration with the Office, the group has entered the operational phase of the preparations. BoA staff will be regularly updated on the progress.