



Annual Report of the Boards of Appeal

2024

May 2025

1. Foreword

I am pleased to introduce the annual report of the Boards of Appeal (BoA) for 2024. The report sets out the progress made in 2024 towards our objectives and provides an overview of the BoA's activities and important developments throughout the year.

2024 marked a significant milestone for the BoA. Having achieved the objectives set following its structural reform, the BoA embraced new, more ambitious goals in 2024. As of 1 January 2024, the BoA have been working towards the objective that by the end of 2025, no more than 10% of pending cases will be older than 24 months.

The foreseen decrease in incoming workload that started in 2023 continued in 2024. This downward trend is expected to stabilise in the medium term, albeit at levels significantly lower than in the period before 2022.

Delivering decisions of the highest quality continues to be a central priority. To support this, the BoA continued to engage with judicial counterparts and stakeholders in 2024. Regular exchanges took place with the Unified Patent Court (UPC) and national judges, providing valuable opportunities to share knowledge and promote harmonisation. We held bilateral meetings with a broad range of user associations and, in February 2024, users were invited to participate in a survey on the “Case law of the Boards of Appeal” (CLB) publication. Throughout the year, the BoA hosted and attended various conferences, seminars and round-table

discussions, including with institutional counterparts. Internal quality initiatives included new member workshops focusing on the steps prior to decision drafting, regular lectures and presentations and advanced legal drafting and language courses. The BoA's legal resources were enhanced to include an internal UPC decisions database and resources hub as well as updated decision-drafting working aids. Interim revisions of selected sections of the CLB were also introduced in advance of the next triennial edition.

In 2024 the Board of Auditors concluded an external audit on selected topics of the BoA and made some recommendations, most of which have already been implemented. The topic of artificial intelligence (AI) received particular attention this year. Following an in-depth analysis on the possibilities and risks of using tools based on AI, a first internal guidance paper for the BoA on the use of these tools was drafted and made available to all BoA staff in November 2024. The guidance will be periodically updated to reflect new insights, developments and best practices in this rapidly evolving area.

As at 31 December 2024 the total number of BoA staff was 230. The results of the 2024 staff engagement survey were overall very positive, with scores improving in 10 out of 11 categories when compared to the 2022 survey. Diversity and Inclusion (D&I) scored significantly higher, confirming the value of the initiatives undertaken under our D&I strategy to raise awareness among BoA staff.



Other important organisational initiatives included the establishment of an independent oversight mechanism for the processing of personal data by the BoA in their judicial capacity. This mechanism entered into force on 1 March 2025.

This has been a year of achievements and aspirations reflecting the BoA's commitment to delivering decisions of the highest quality in a timely manner. The progress made in 2024 is a credit to the dedicated and hard-working team who made it possible.

Carl Josefsson
President of the Boards of Appeal

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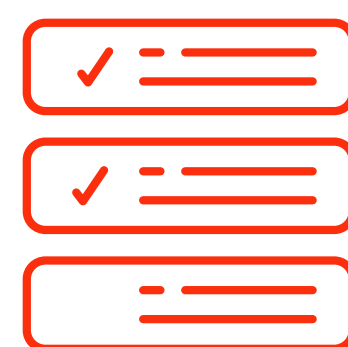
Workload and Production

3 071

settled cases

1 567

new cases



729

cases (21.5%) older than 24 months

2

new referrals to the Enlarged Board of Appeal

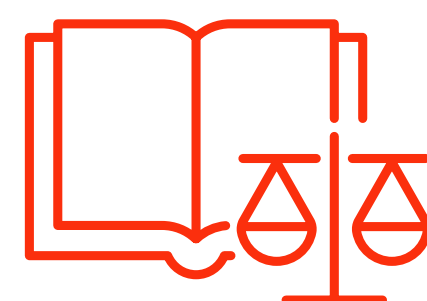
Increased availability of legal resources

39 000

page views of the CLB on average per month from 9 000 visitors

152

abstracts in 13 issues of the publication “Abstracts of decisions”



Oral proceedings

1 614

oral proceedings



57% by videoconference

40% in person

3% mixed mode

70.6% held in English

23.6% in German and

5.8% in French

People

230

BoA staff

34.8%

female



22

nationalities represented from EPC contracting states

171

members and chairpersons

26

chairpersons

117

technically qualified members

28

legally qualified members

58

support staff

2. Performance of the BoA: 2024 in review

In 2024 production was almost double the incoming workload.

2.1 Key metrics: workload and production

In 2024 production was almost double the incoming workload. The number of both new and settled cases in the technical boards of appeal decreased compared to the same period in 2023. In the Enlarged Board, there was an increase in the number of new and settled cases when compared to the same period in 2023. The Legal Board and the Disciplinary Board also saw an increase in the number of new cases when compared to the same period in 2023, while the number of settled cases decreased.

Table 1

Number of new and settled cases

	New cases		Settled cases	
	2023	2024	2023	2024
Technical boards of appeal	2 049	1 497	3 358	3 017
Enlarged Board of Appeal	19	31	17	23
Legal Board of Appeal	7	13	11	9
Disciplinary Board of Appeal	16	26	49	22
Total	2 091	1 567	3 435	3 071

A total of 3 071 cases were settled and 1 567 cases were received in 2024. The downward trend of incoming cases is expected to stabilise in the medium term, albeit at levels significantly lower than in the period before 2022.

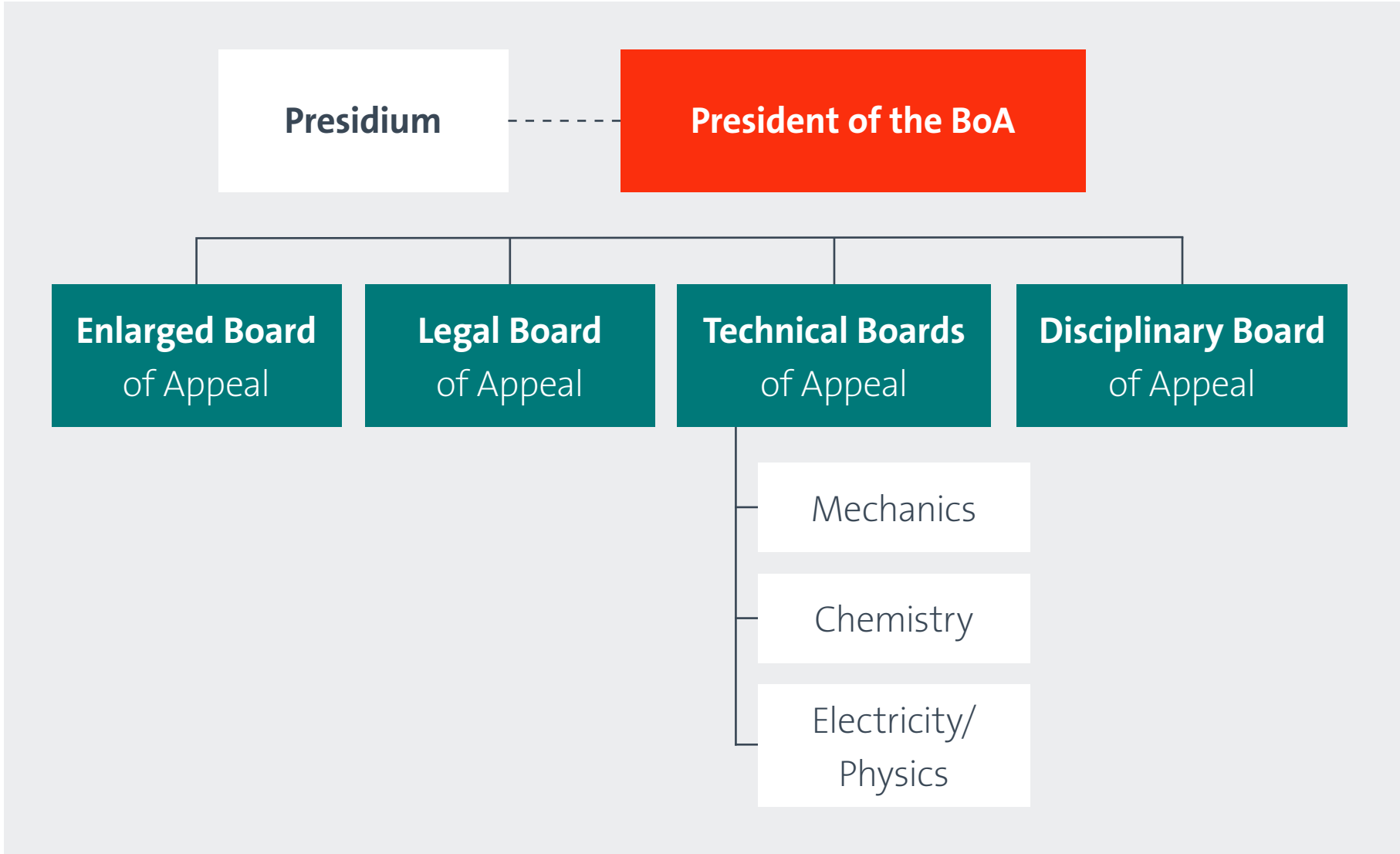
2.1.1 Technical boards of appeal

A total of 1 497 technical appeal cases were received in 2024 while 3 017 technical appeal cases were settled.

There was a decrease of 31% in new inter partes cases which had been foreseen, as opposition divisions had eased production. Ex parte cases decreased by 11.3% (from 2023 to 2024), partly due to a significant decline in a particular technical field (IPC class G06Q, business methods) of over 90% since 2022.

Table 2
Number of new and settled cases by type of procedure and technical field

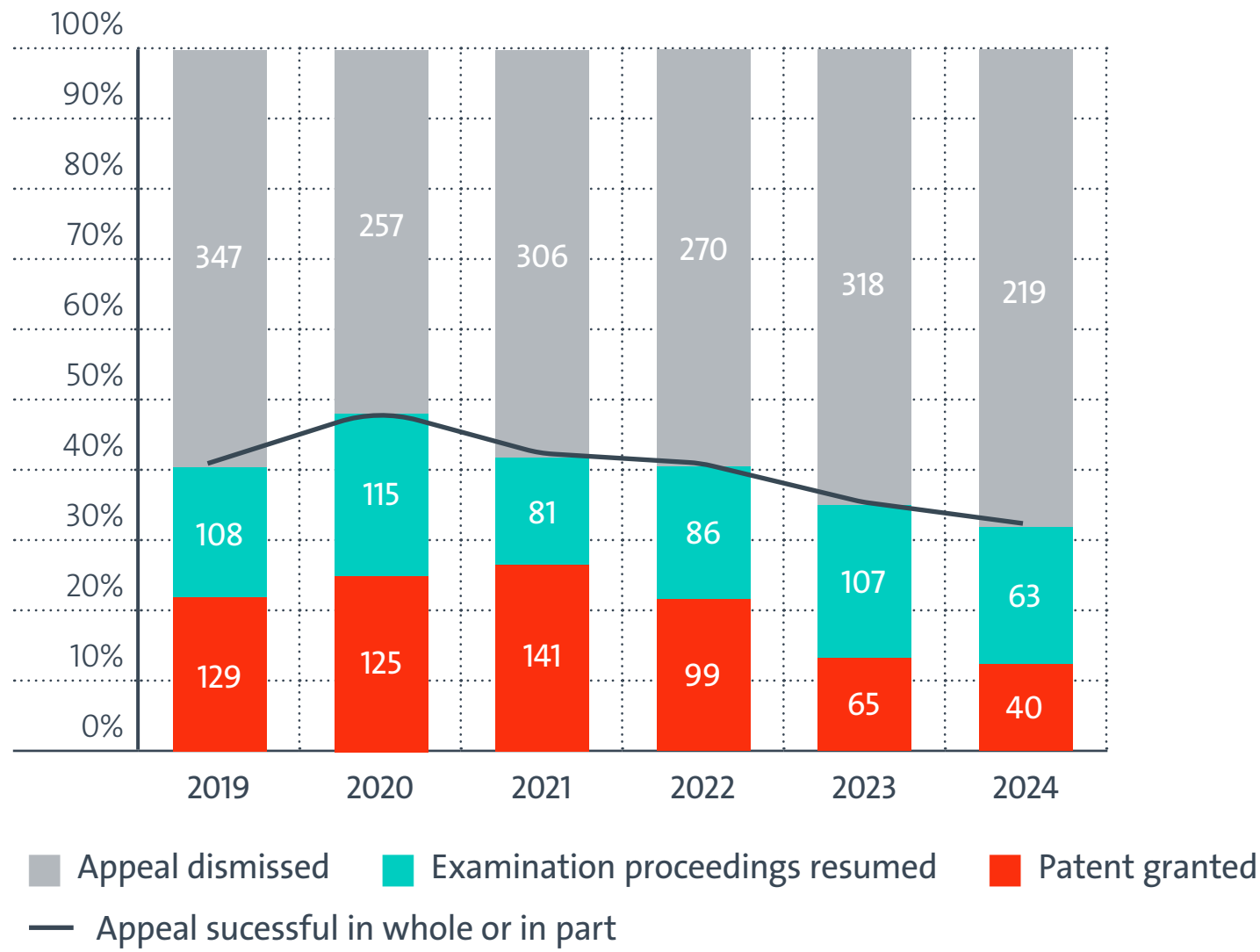
Technical boards of appeal (Type of procedure and technical field)	New cases		Settled cases	
	2023	2024	2023	2024
Ex parte (Examination procedure)	425	377	1 248	946
Inter partes (Opposition procedure)	1 624	1 120	2 110	2 071
Total	2 049	1 497	3 358	3 017
Mechanics	844	553	1 104	988
Chemistry	657	519	1 024	937
Electricity/Physics	548	425	1 230	1 092



A total of 946 ex parte cases were settled in 2024, of which 340 were settled by a decision. Of these 340 cases, 322 were settled by 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 322 cases are shown below in Figure 1.

The remaining 606 cases were settled without a decision. In 524 of these the appeal was withdrawn after a substantive communication by the board.

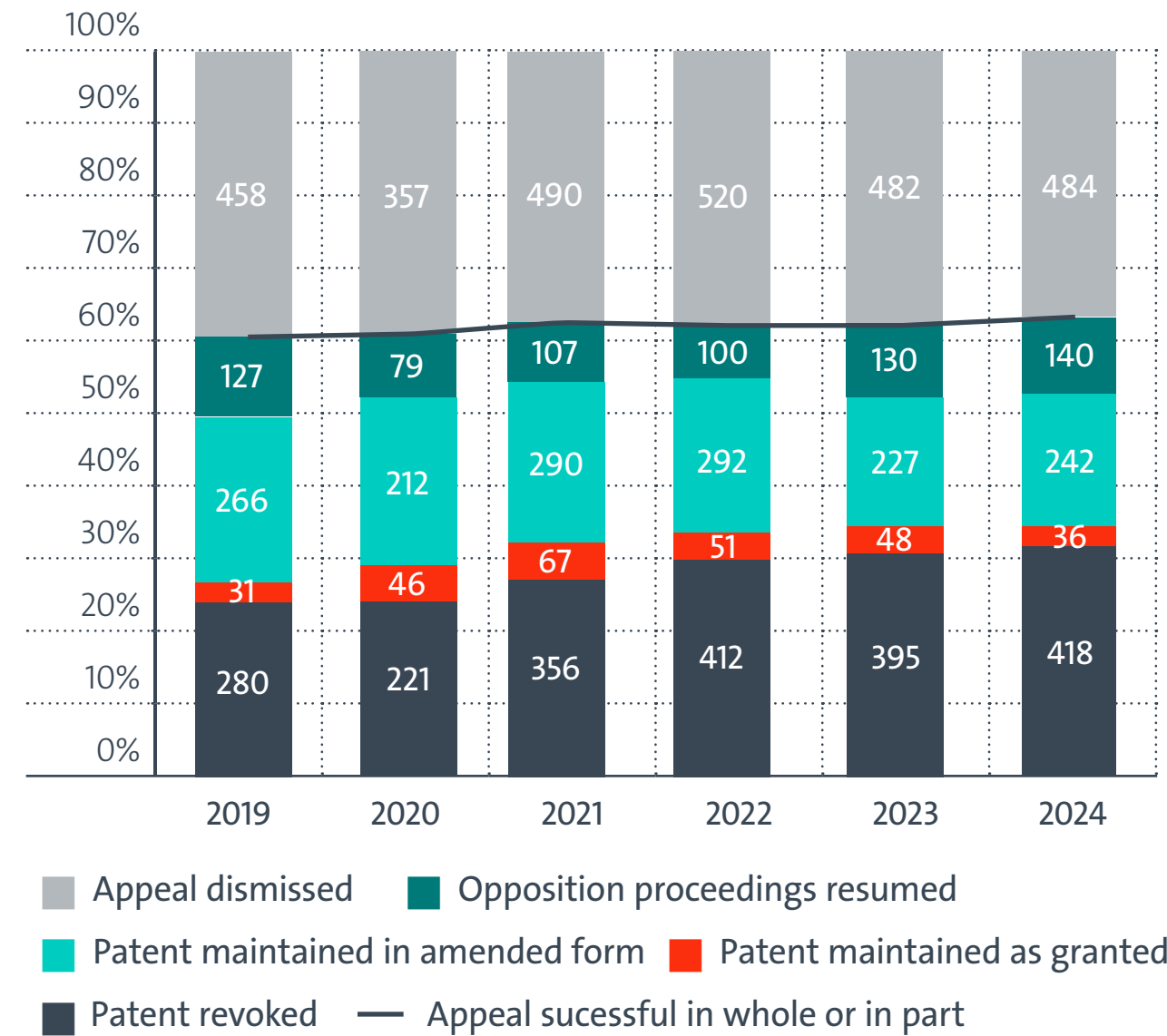
Figure 1
Ex parte cases settled by a decision on the merits



A total of 2 071 inter partes cases were settled in 2024, of which 1 376 were settled by a decision. Of these 1 376 cases, 1 320 were settled by 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. The outcomes of these 1 320 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).

The remaining 695 inter partes cases were settled without a decision. In 486 of these, the appeal was withdrawn after a substantive communication by the board.

Figure 2
Inter partes cases settled by a decision on the merits



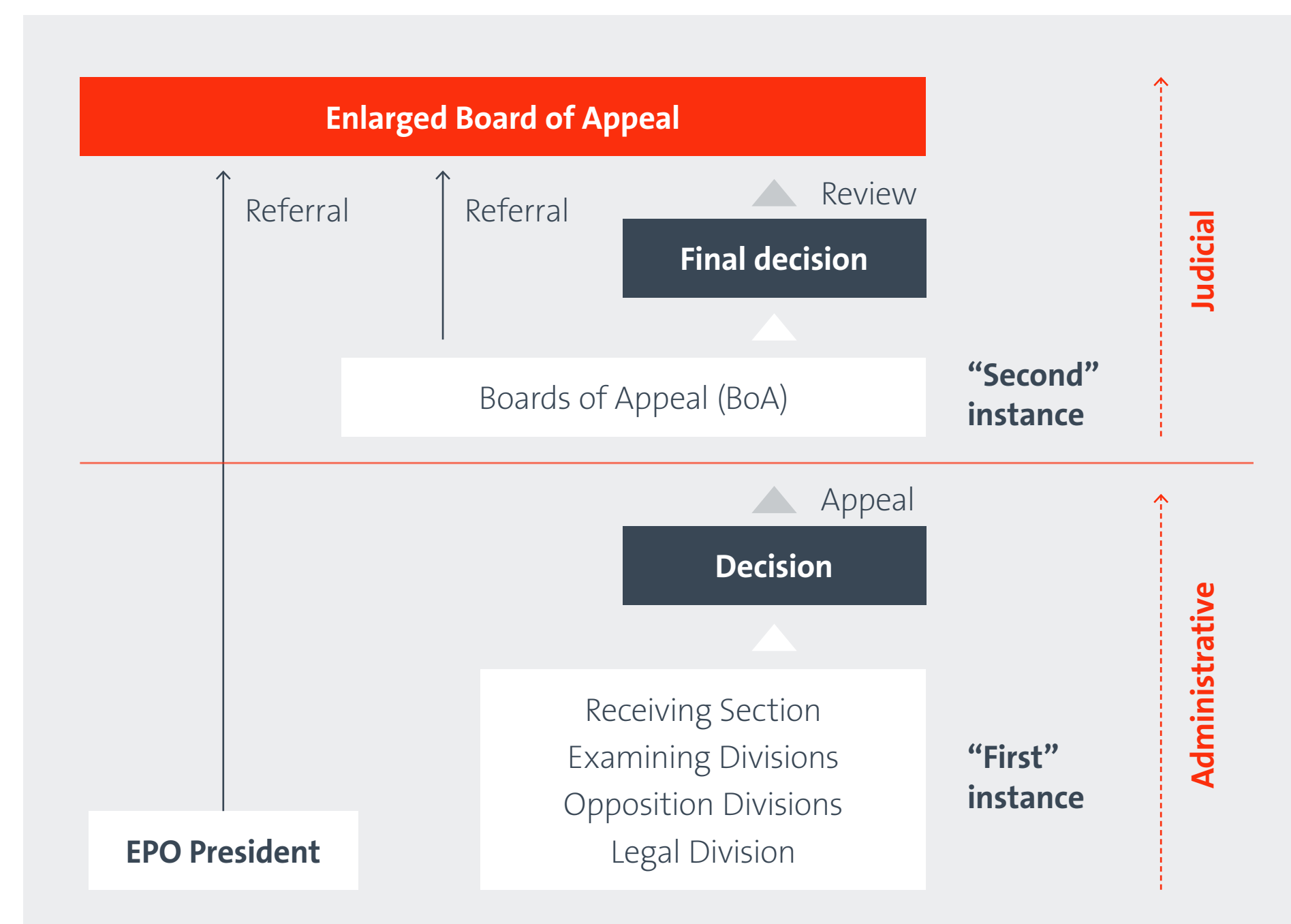
In 2024 there were a total of 1 013 withdrawals after a substantive communication of the board, which is a slight decrease of 5.9% compared with 2023, when there were 1 076 withdrawals.

There has been a slight decrease in withdrawals after a substantive communication of the board.

2.1.2 Enlarged Board of Appeal

The main task of the Enlarged Board is to ensure the uniform application of the EPC.

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.



In 2024 the
Enlarged Board
received two
new referrals under
Art. 112 EPC, on
claim interpretation
and interventions.

By decision T 439/22 of 24 June 2024, Technical Board of Appeal 3.2.01 referred the following questions to the Enlarged Board (referral pending under **G 1/24 – “Heated aerosol”**; OJ EPO 2024, A74):

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?
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 Enlarged Board has received the comments of the parties and the President of the EPO as well as 30 written statements by third parties. Oral proceedings in case G 1/24 took place on 28 March 2025.



By decision T 1286/23 of 11 November 2024, Technical Board of Appeal 3.2.04 referred the following questions to the Enlarged Board (referral pending under **G 2/24 “Skin cleanser”**):

After withdrawal of all appeals, may the proceedings be continued with a third party who intervened during the appeal proceedings? In particular, may the third party acquire an appellant status corresponding to the status of a person entitled to appeal within the meaning of Article 107, first sentence, EPC?

The only other pending referral before the Enlarged Board is G 1/23 (“Solar cell”; [OJ EPO 2023, A72](#)). On 16 August 2024, the Enlarged Board issued a communication pursuant to Article 13 RPEBA, drawing the parties’ attention to the legal and factual issues that are currently considered to be potentially relevant to the referral. By that date, the Enlarged Board had received 15 written statements by third parties. In October 2024, the EPO President and the parties provided comments on the EBA’s preliminary opinion. Oral proceedings in case G 1/23 took place on 12 March 2025.

In 2024 the Enlarged Board received 29 petitions for review under Art. 112a EPC.

In 2024, the Enlarged Board received 29 petitions for review. It settled 23 petitions for review and a total of 50 are currently pending. The Enlarged Board has set up a dedicated work plan with ambitious time frames to address the pendency time for petitions for review. The most frequent ground relied upon by petitioners when filing their petitions for review was that a fundamental violation of the right to be heard had occurred (Article 112a(2)(c) EPC).

Table 3

Proceedings before the Enlarged Board of Appeal

	New cases		Settled cases	
	2023	2024	2023	2024
Referrals	1	2	3	0
Petitions for review	18	29	14	23
Total	19	31	17	23

2.1.3 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 2024, the Legal Board received 13 new cases and settled 9 cases. The number of pending cases is 11.

Table 4

Proceedings before the Legal Board of Appeal

	New cases		Settled cases	
	2023	2024	2023	2024
Legal Board of Appeal	7	13	11	9

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 2024, the Disciplinary Board of Appeal received 26 new cases and settled 22 cases. Almost all of these were EQE cases. There are 19 pending cases before the Disciplinary Board of Appeal.

Table 5

Proceedings before the Disciplinary Board of Appeal

	2023	2024
New cases	16	26
EQE	15	26
Disciplinary	1	0
Settled cases	49	22
EQE	47	21
Disciplinary	2	1
Pending cases	15	19
EQE	13	18
Disciplinary	2	1

2.2 Format of oral proceedings

The BoA provide for several modes of oral proceedings. The distribution of the various options for 2024 was as set out in the table below. It has remained essentially constant compared to 2023.

Further information on all aspects of oral proceedings before the BoA can be found on the “Oral proceedings before the Boards of Appeal” [webpage](#) on the EPO website.

In 2024 the majority of oral proceedings (57%) were held by videoconference.

Table 6

Modes of oral proceedings

Format	Description	2023	%	2024	%
Oral proceedings by videoconference	All members, parties, representatives and/or accompanying persons attend by videoconference.	928	57%	913	57%
Oral proceedings in person	Members, parties, representatives and/or accompanying persons attend in person	666	41%	646	40%
Mixed-mode oral proceedings	Some parties, representatives and/or accompanying persons attend by videoconference while others are physically present in the oral proceedings room together with board members. Exceptionally, one or more of the board members may also attend by videoconference.	35	2%	55	3%
Total		1 629	100%	1 614	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 has remained fairly constant.

Table 7
Breakdown by language of proceedings (2023-2024)

	English		German		French	
	2023	2024	2023	2024	2023	2024
Appeals filed before the technical boards	72.2%	73.1%	23.3%	23.1%	4.5%	3.8%
Oral proceedings scheduled by technical boards	74.8%	74.3%	21.2%	20.9%	4.0%	4.8%
Oral proceedings held by technical boards	71.5%	70.6%	24.1%	23.6%	4.4%	5.8%

3. Progress on strategic objectives of the BoA

Having achieved the objectives set following its structural reform, the BoA embraced new, more ambitious goals in 2024

3.1 Achievement of objectives set following the structural reform of the BoA

In the first half of 2024 the BoA achieved the objective of bringing the number of cases older than 30 months to below 10%. With this, the two objectives set following the structural reform of the BoA have been met (the objective of reducing the number of pending cases below 7 000 had been achieved in March 2022).





As of 1 January 2024, the BoA
have been working towards
the objective that by the
end of 2025, no more than
10% of pending cases will be
older than 24 months.

3.2 New objective: focus on timeliness

As of 1 January 2024 the BoA are working towards a more ambitious 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).

As at 31 December 2024, 21.5% of cases were older than 24 months (27.3% as at 31 December 2023). Cases older than 24 months have decreased from 1 339 cases at the end of 2023 to 729 cases at the end of 2024 (see table 8 below). Prioritising the oldest cases will continue to be a focus going forward.



The BoA are making good progress towards the new objective. Cases older than 24 months decreased from 1 339 at the end of 2023 to 729 at the end of 2024.

Figure 3 shows the development from the end of 2019 to the end of 2024 in the percentage of stock older than 24 months. Table 8 shows 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 over 24 months) from the end of 2019 to the end of 2024.

Figure 3

Percentage of pending cases older than 24 months



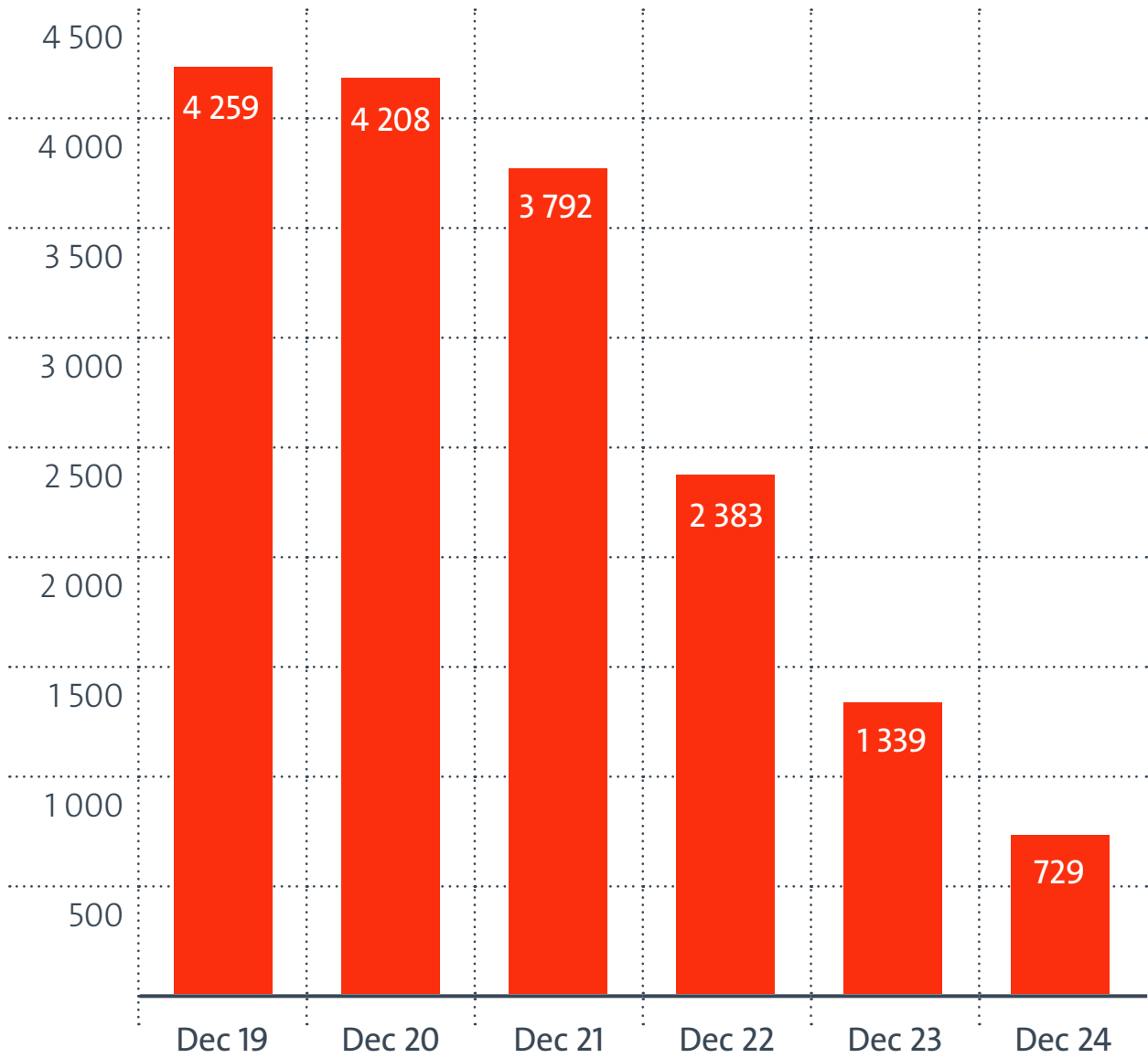
Table 8

Pending cases by pendency time (CEPEJ time frame B)

		0-6 months	7-12 months	13-18 months	19-24 months	Backlog over 24 months	Total pending
2023	Pending cases	643	994	788	1 143	1 339	4 907
	Percentage	13.1%	20.2%	16.1%	23.3%	27.3%	100%
2024	Pending cases	473	708	660	817	729	3 387
	Percentage	14.0%	20.9%	19.5%	24.1%	21.5%	100%
	Mechanics	15.8%	21.4%	21.4%	27.7%	13.7%	100%
	Chemistry	15.1%	23.0%	20.7%	23.4%	17.8%	100%
	Physics/Electricity	10.7%	18.2%	16.1%	21.0%	34.0%	100%

Figure 4

Backlog cases (= pending cases over 24 months)



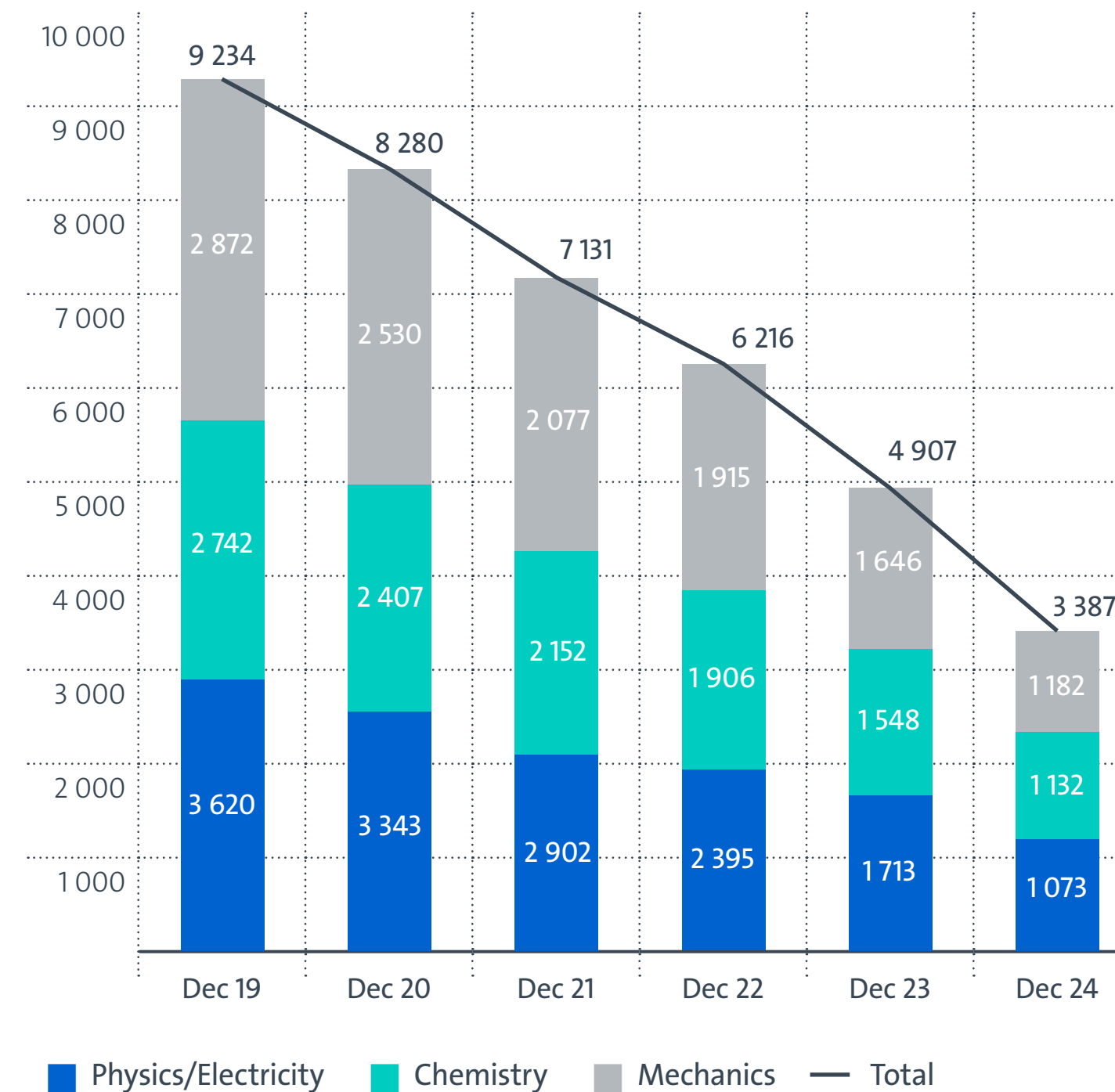
A total of 3 387 technical appeal cases were pending at the end of 2024, 31% fewer than in 2023.

3.3 Number of pending cases

As at 31 December 2024 3 387 technical appeal cases were pending, which is 31% fewer than in 2023. Figure 5 below shows the number of pending cases from 2019 to the end of 2024 by technical field.

Figure 5

Number of pending cases by technical field



3.4 Measures to support the achievement of the new objective

3.4.1 Amendments to the RPBA entered into force

To allow the BoA to pursue more ambitious timeliness objectives, specific amendments to Art. 13(2), 15(1) and 15(9) RPBA were required, in particular to increase flexibility in case management while ensuring that the parties' rights were duly safeguarded. These amendments are set out in the decision of the Administrative Council of 13 December 2023 (OJ EPO 2023, A103). The current version of the RPBA can be found on the [RPBA webpage](#).

3.4.2 Enhanced cooperation between boards

The new objective requires enhanced cooperation between boards to rebalance the workload. The incoming workload is closely monitored to establish the technical fields in which timeliness objectives are not yet met or are at risk and reallocate workload to boards which have overlapping technical expertise. Even more so than in the past, this requires chairpersons to regularly review the planning figures in their technical field and to discuss how to best meet the timeliness objective.

4. People

4.1 Staff of the BoA in 2024

As at 31 December 2024 the headcount of members and chairpersons of the BoA was 171. The 26 chairpersons, 117 technically qualified and 28 legally qualified members are divided among 25 technical boards and the Legal Board. There are 58 staff members in the support services. The total number of BoA staff, including the PBoA, was 230 (2023: 240).

As at 31 December 2024 the
total number of BoA staff,
including the PBoA, was 230.



4.2 Evolution of gender balance in the BoA

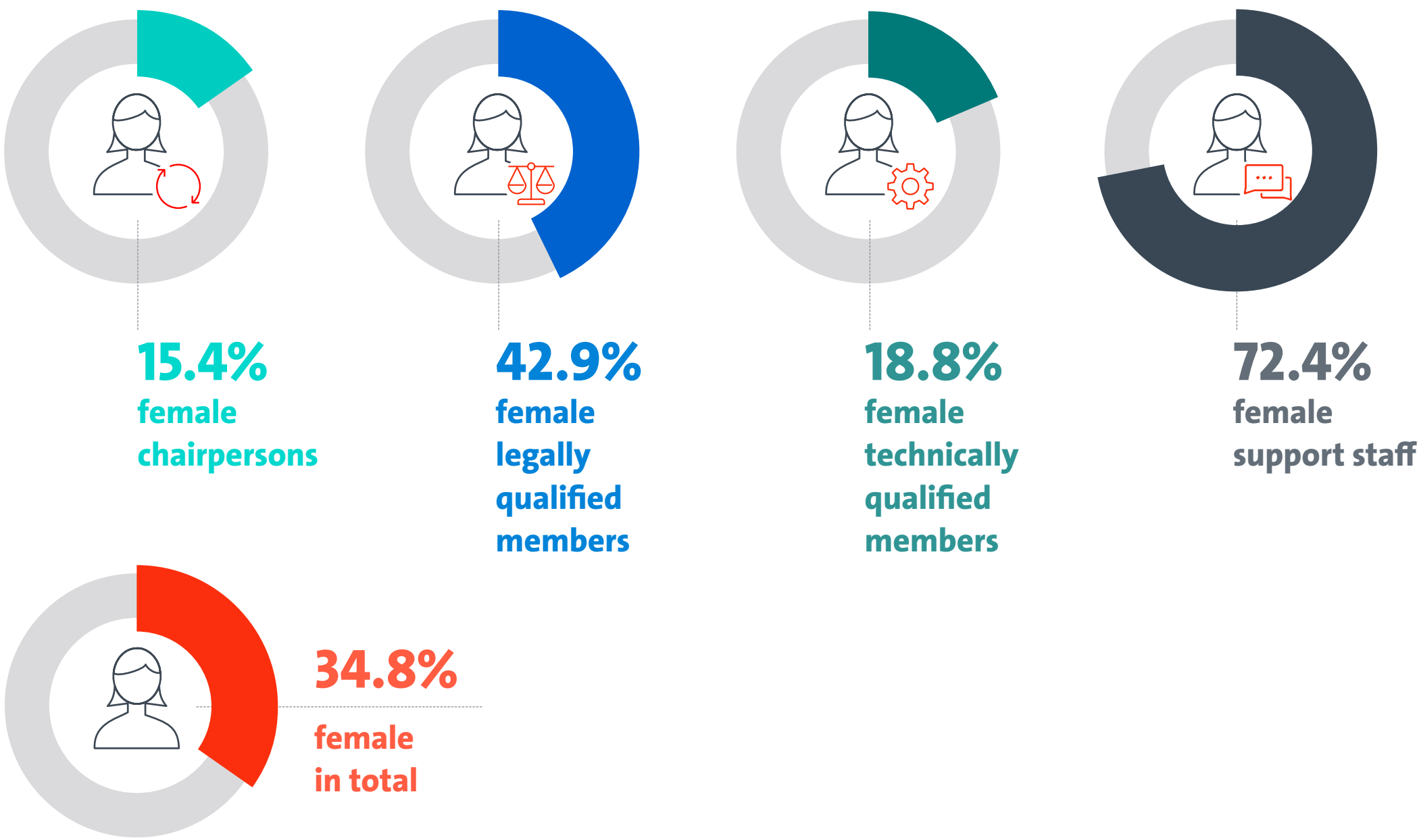
The proportion of female staff at the BoA increased slightly in 2024.

The proportion of female staff at the BoA increased slightly in 2024. As at 31 December 2024 34.8% of all BoA staff were female, 3.9% more than in 2019.

Table 9

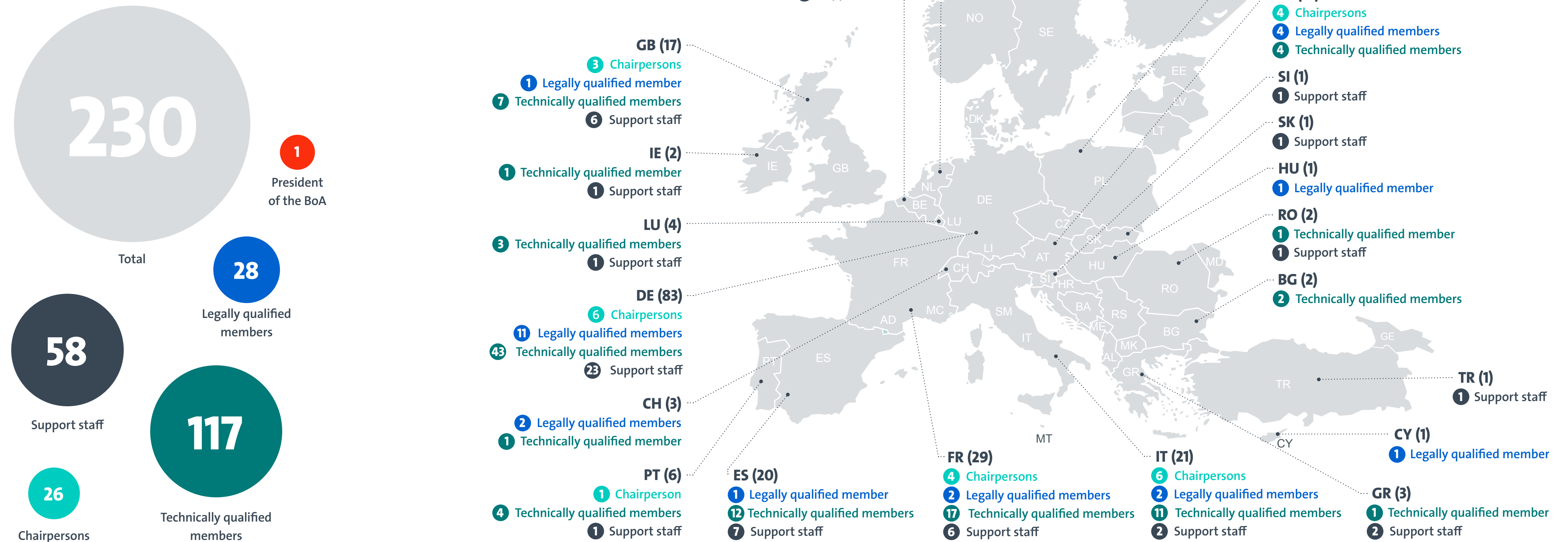
Evolution of gender balance

Role	Gender	2019	2024
Chairpersons	Female	10.7%	15.4%
	Male	89.3%	84.6%
Legally qualified members	Female	35.7%	42.9%
	Male	64.3%	57.1%
Technically qualified members	Female	17.8%	18.8%
	Male	82.2%	81.2%
Support staff	Female	68.4%	72.4%
	Male	31.6%	27.6%
Total	Female	30.9%	34.8%
	Male	69.1%	65.2%



4.3 Nationality

A total of 22 member states' nationalities were represented in the staff of the BoA as at 31 December 2024 (19 for members and chairpersons and 16 for support staff).



4.4 New ways of working and staff engagement survey

The results of the 2024 staff engagement survey were overall very positive, with scores improving in 10 out of 11 categories.

The Office's revised new ways of working (NWoW) policy entered into force on 1 July 2024. The BoA's guidelines on the NWoW were amended accordingly and entered into force on 1 July 2024. They continue to provide that the scheduling and conduct of oral proceedings before the boards of appeal take precedence over teleworking.

The 2024 staff engagement survey (Engagement Survey) was conducted in early 2024 with a 79% response rate from BoA staff. Overall, the BoA results were very positive, with scores improving in 10 out of 11 categories when compared to the previous survey in 2022. The largest improvements related to D&I and Training and Development. The Engagement Survey shows that BoA have transitioned well into the NWoW, with most staff working in a hybrid way. Since the introduction of NWoW, staff engagement has increased by 8%.

The focus for improvement has been on further strengthening communication, with a greater emphasis on providing timely information on developments that directly affect BoA staff, in addition to maintaining or even increasing the social connectedness of BoA staff.



D&I remains an important topic at the BoA.

4.5 Diversity and inclusion

D&I remained an important topic in 2024. In the second half of 2024 the PBoA submitted an interim report on the status of D&I actions at the BoA to the Boards of Appeal Committee (BOAC), which received a unanimous favourable opinion. The fact that D&I scored significantly higher in the Engagement Survey compared to 2022 shows an improvement in the perception of D&I among BoA staff and confirms the importance of the initiatives that have been taken. Thematic D&I presentation sessions continued in 2024 for BoA staff, with a focus on gender.

4.6 External and after-service activities

Under Article 8 of the Code of Conduct for the Members of the Boards of Appeal and of the Enlarged Board of Appeal (Code of Conduct), members may engage in external activities only if these 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. Most requests were for activities such as publishing or lecturing at conferences or universities. After-service activities fall within the scope of Article 20a(2) of the Service Regulations for permanent and other employees of the EPO (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 Administrative Council (Council). Requests relate mainly to consultancy work, either on a freelance basis or for a law firm, or to trainer or lecturer positions. There have also been requests to join the UPC as a technically qualified judge.

5. Quality



Delivering decisions of the highest quality continues to be a central priority. To support this, the BoA continued to engage with judicial counterparts and stakeholders in 2024.

5.1 Approach to quality at BoA

The legal and technical quality of the decisions taken by the BoA has been a central priority since the beginning of the BoA's activity and continues to remain so. Users, and the public in general, rightfully expect the highest quality from a judicial authority whose decisions are final.

In 2024 the BoA continued to launch initiatives and opportunities to support quality.

5.2 Member workshops

The working group mandated by the PBoA to explore the key elements that contribute to the quality of BoA decisions continued its activities in 2024. Following up on the successful outcomes of the 2023 internal member workshops on decision drafting, internal working aids were updated in light of the insights gained. These are aimed at all members and outline important points contributing to the drafting and editing of high-quality appeal decisions, thereby giving guidance in particular to new members, and promoting the harmonisation of practices within the BoA.

The working group organised and facilitated a second series of internal workshops devoted to the stages prior to decision drafting. Particular emphasis was placed on the preparation and content of the communication under Article 15(1) RPBA.

5.3 Internal professional development opportunities

Professional development activities, a key contributor to the high quality of the work performed by the BoA, continued in 2024. The Professional Development Committee (PDC) organised several successful talks and presentations covering a wide range of topics.

Advanced legal drafting courses were held in French and German, building on the introductory courses organised in 2023, with a very practical, work-related focus and a high level of interaction between participants.

The biannual Chairpersons' Days, which bring together all chairpersons and the PBoA, took place in April and October 2024 and covered organisational and operational topics. The Chairpersons' Days provided a mix of presentations and ample discussion time to exchange ideas and thoughts.

The Legal Board of Appeal held its annual workshop in September 2024. The workshop is a forum for an open exchange among the legally qualified members working across all technical boards of appeal on practices and general legal questions.

5.4 External exchange with judicial counterparts and stakeholders

Discussions and contact with national courts, users and representatives continued in 2024. These meetings are an important means of strengthening interaction between national judges, users and the BoA, and deepening knowledge of the respective legal and appeal systems.

5.4.1 Judicial dialogue

Judicial dialogue remains a priority for the BoA, which proactively maintain and highly value interaction with other national courts. Providing the BoA with a unique opportunity to share experience on practice and procedures with judicial counterparts, they contribute to the building of trust among courts.

The BoA remain committed to ensuring that they do their part to foster the dialogue with the UPC as they do with other national courts in the spirit of the EPC harmonisation philosophy. The UPC judges are fully integrated into the long-established judicial dialogue with national counterparts.

A number of annual judicial platforms are in place, for example the BoA Expert Judges Workshop and the European Judges' Forum in Venice, which count as key judicial exchanges providing the unique

opportunity to share experience on practice and procedures, and have been instrumental to the harmonisation of European patent practice. The BoA were pleased to host the Judicial Internships programme, which saw five judges spend two weeks at the BoA studying case files for oral proceedings and gaining insights on both substantive and procedural aspects of the application of the EPC. The WIPO Judges Forum remains the key global judicial exchange at which the BoA is a regular speaker.

Regular exchanges took place with the UPC and national judges, providing valuable opportunities to share knowledge and promote harmonisation.

5.4.2 Further exchanges with stakeholders

The BoA interact regularly with institutional counterparts. This year was no exception, and the BoA participated in the annual IP5 Trial and Appeal Boards hosted by the Korean Intellectual Property Office. The annual online bilateral exchange was also organised at the request of the Chinese National Intellectual Property Administration (CNIPA), and comprised a round-table discussion on aspects of patentability as well as an opportunity for the CNIPA delegation to observe oral proceedings.

Dialogue with user associations is an important pillar of quality for the BoA, providing valuable insight into the view of the user community. As every year, in 2024 the PBoA and members of the boards held meetings with delegations from the patent profession (epi), industry (BusinessEurope) and the International Federation of Intellectual Property Attorneys (FICPI). The main topics discussed were the activities of the BoA, quality initiatives and procedural questions. In the framework of their visits to the EPO, the American Intellectual Property Law Association (AIPLA) and the US Bar/EPO Liaison Council also visited the BoA.

The BoA continued to be invited to attend and participate at various conferences and round-table discussions in 2024, including the annual Fordham conference, a leading event for patent practitioners in the US and Europe, the Judicial Symposium on Intellectual Property organised by the Japan Patent Office, the Center for International Intellectual Property Studies and those organised by GRUR and other leading intellectual property institutes.

At the request of and in cooperation with the Patent Academy, the BoA participated in online seminars for national patent office staff on recent BoA case law, and the annual Litigation Matters conference. In a larger forum, the annual showcase Case Law Conference was organised, with over 950 attendees joining online to gain insights into recent important case law and topics of the BoA.

The PBoA and members
of the BoA held bilateral
meetings with a
broad range of user
associations.

5.5 Dialogue with the Office

On an institutional level, the biannual Quality Dialogue meetings between BoA chairpersons and senior representatives from the Office were held. Discussions focused on procedural issues, feedback from users, and aspects surrounding the validity of granted patents. As a concrete measure resulting from the Quality Dialogue, the BoA have agreed to provide the Office with statistical data on the decisions taken on appeals, on the basis of which the relevant service of the Office will be able to carry out a quality check and, if necessary, initiate quality assurance and improvement actions.

5.6 Increased availability of legal resources

To support members and chairpersons in drafting their decisions, the Legal Research Service of the BoA has continued to regularly provide summaries of the most important BoA decisions, carry out legal studies and research and ensure that board members have up-to-date access to the library and any technical books they require. A UPC resources online hub was introduced, providing a single portal for UPC case law and resources. A UPC database of decisions was developed to provide a searchable overview of UPC decisions dealing with substantive patent law.

The formerly internal publication “Abstracts of decisions” was made available on the BoA web pages. This monthly publication is a collection of summaries of key aspects of selected BoA decisions. Each summary is in the particular decision’s language of proceedings. This synopsis gives users an easy-access snapshot of the highlights of a curated selection of recently published decisions. Since the end of 2024, “Abstracts of decisions” also has a dedicated [webpage](#) facilitating user access. The abstracts are also now included as annotations in the relevant section of the HTML version of the CLB publication, enabling users to easily access the summaries of new decisions in their thematic context.

The BoA’s legal resources were enhanced in 2024 to include an internal UPC decisions database and resources hub as well as updated decision-drafting working aids. Interim revisions of the CLB were also made available in advance of the next triennial edition.

The CLB is one of the most used legal resources of the EPO website. In February 2024, users were invited to participate in a survey to provide feedback on use and potential improvements.

Interim revisions of selected sections of the CLB were also introduced in advance of the next triennial edition. They contain inter alia new case law on the application of the RPBA, the effect of G 2/21, and many other topics. The selected sections are fully integrated into the HTML version of the publication, whereas the PDF version remains unchanged from the original tenth edition.

The CLB represents one of the most used legal resources on the EPO website, with an average of over 39 000 page views from 9 000 unique visitors per month. To ensure that it remains a fit-for-purpose reference, a survey was conducted aiming to better understand the needs of the users. Almost 700 responses were collected. Preliminary results showed that almost 80% of respondents stated that they used the CLB at a minimum monthly, with 39% stating at least once a week. 75% of respondents stated that their main reason for using the CLB was to prepare cases and/or patent applications. Amongst the patent attorney profession, this figure was 85%, demonstrating that it is a highly valued resource for its users.



6. Institutional developments

At an institutional level, two meetings were held between delegations led by the President of the UPC Court of Appeal, the PBoA and the Principal Director of Patent Law and Procedures of the Office to discuss organisational and training matters.

6.1 External audit

An external audit was conducted at the BoA between November 2023 and February 2024. The topics audited were: (i) the BoA's case management system and the BoA's Digital Roadmap, (ii) the Registry quality management process and (iii) the work planning model for appeal cases. The recommendations made by the Board of Auditors have been taken into account and most of them have already been implemented.

6.2 Exchange between the UPC, the BoA and the Office

Two meetings were held in 2024 between delegations led by the President of the UPC Court of Appeal, the PBoA and the Principal Director of Patent Law and Procedures of the Office. Both were co-chaired by the President of the UPC Court of Appeal and the PBoA. Future exchanges on organisational and training matters were discussed, the latter including the continuation of exchanges between UPC judges and BoA members at conferences such as the annual BoA Expert Judges Workshop and the European Judges' Forum in Venice. The invitation of BoA speakers to UPC training events and vice versa was also foreseen. The delegations exchanged views on the handling of parallel proceedings before a division of first instance of the UPC 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. Further meetings are planned for 2025.

6.3 Parallel proceedings at the UPC and the BoA

With the establishment of the UPC, the question of how to deal with parallel proceedings concerning the same underlying patent and pending before the UPC and the BoA has come to the foreground. As is the case with parallel proceedings pending before national courts or other competent authorities in EPC contracting states, acceleration of proceedings before the BoA is possible in the event of parallel proceedings before the BoA and the UPC.

The conditions for accelerating proceedings before the BoA are set out in Article 10(3) to (6) RPBA. Acceleration may be requested by the parties and the courts. A board may also accelerate proceedings of its own motion. Proceedings are accelerated by giving a case priority over others. In addition, boards may adopt a strict framework for the purpose of case management, keep time limits (e.g. for written submissions) as well as the overall proceedings duration to the legally allowable minimum, and issue early summons to oral proceedings.

Measures are being prepared to optimise, facilitate and monitor the provision of information to the boards on parallel proceedings concerning the same underlying patent pending before a national court or the UPC. The BOA have set up a central contact point to enable a national court, other competent authority in an EPC member state or the UPC to request details of procedural measures taken or envisaged by the competent board in parallel proceedings. This may also assist informal exchanges between judges.

Reference is made to the [notice from the BoA on accelerating proceedings](#) published on 19 January 2024 which provides information on conditions and procedural aspects.

The BoA have set up a central contact point to enable a national court, other competent authority in an EPC member state or the UPC to request details of procedural measures taken or envisaged by the competent board in parallel proceedings.

7. Other organisational initiatives

An independent oversight mechanism for the processing of personal data by the BoA in their judicial capacity was established in December 2024.

7.1 Data protection

The establishment of an independent oversight mechanism for the processing of personal data by the BoA in their judicial capacity (Independent Oversight Mechanism) marks a key milestone on data protection at the BoA. The Independent Oversight Mechanism was established by decision of the Council on 11 December 2024 and entered into force on 1 March 2025.

Under the Independent Oversight Mechanism, a data subject challenging the processing of personal data by the BoA acting in their judicial capacity may file a request for review, which will be decided by the Data Protection Co-ordinator of the BoA. The data subject may file a complaint against the decision issued by this authority, which will be decided by the controller, i.e. in this case the PBoA. The data subject may subsequently file an appeal against the decision of the PBoA to the Board of Appeal for the judicial processing of personal data (BoAJPD). The decision issued by this board is final. Before taking a decision, these deciding instances (Data Protection Co-ordinator of the BoA, controller and BoAJPD) may receive advice, e.g. from the Data Protection Officer.

7.2 Modernising and consolidating the digital environment of the BoA

The BoA Digital Roadmap sets out a strategic vision for advancing the BoA's automation and digital transformation. Key objectives and initiatives have been identified in collaboration with the Office. Wherever feasible, preliminary steps have been taken to align with ongoing IT developments, such as the introduction of electronic filing for the notice of appeal.

To drive these efforts forward, the BoA Digital Roadmap Programme has been established. It operates in parallel with the Office's SP2028 and in close coordination with Business Information Technology (BIT) departments. Oversight of the programme is provided by a dedicated programme board, chaired by the PBoA. Additionally, a programme manager and business change manager have been appointed to ensure timely execution and realisation of benefits. Senior BIT management also plays an active role in balancing resource planning with the BoA's objectives for efficiency and long-term impact.



A first internal guidance paper for the BoA on the use of tools based on AI was made available to staff in November 2024. This will be periodically updated to reflect new insights, developments and best practices.

7.3 Guidance for the use of artificial intelligence

In 2024 the BoA carried out an in-depth analysis and broader internal discussions on the possibilities and risks of using tools based on AI. These resulted in the drafting of a first internal guidance paper for the BoA on the use of AI-based tools.

In November 2024, the “Guidance for the use of AI-based tools at the Boards of Appeal” was made available to all BoA staff. This internal guidance highlights both the potential benefits of AI-based tools, as well as the risks associated with their use, which relate fundamentally to questions of accuracy, reliability, confidentiality and data protection. As a living document, the guidance will be periodically updated to reflect new insights, developments and best practices in this rapidly evolving area.

7.4 Relocation

At the 169th meeting of the Council, the PBoA announced that he would be making a joint proposal with the President of the EPO to relocate the BoA to a building that was part of the PschorrHöfe complex. The location at Building VII in the PschorrHöfe complex will facilitate access to the BoA for its users (parties and representatives), the public and BoA staff. Preparations are underway, with the PBoA having set up a taskforce to advise on the requirements as well as the relocation planning.



Further Information

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