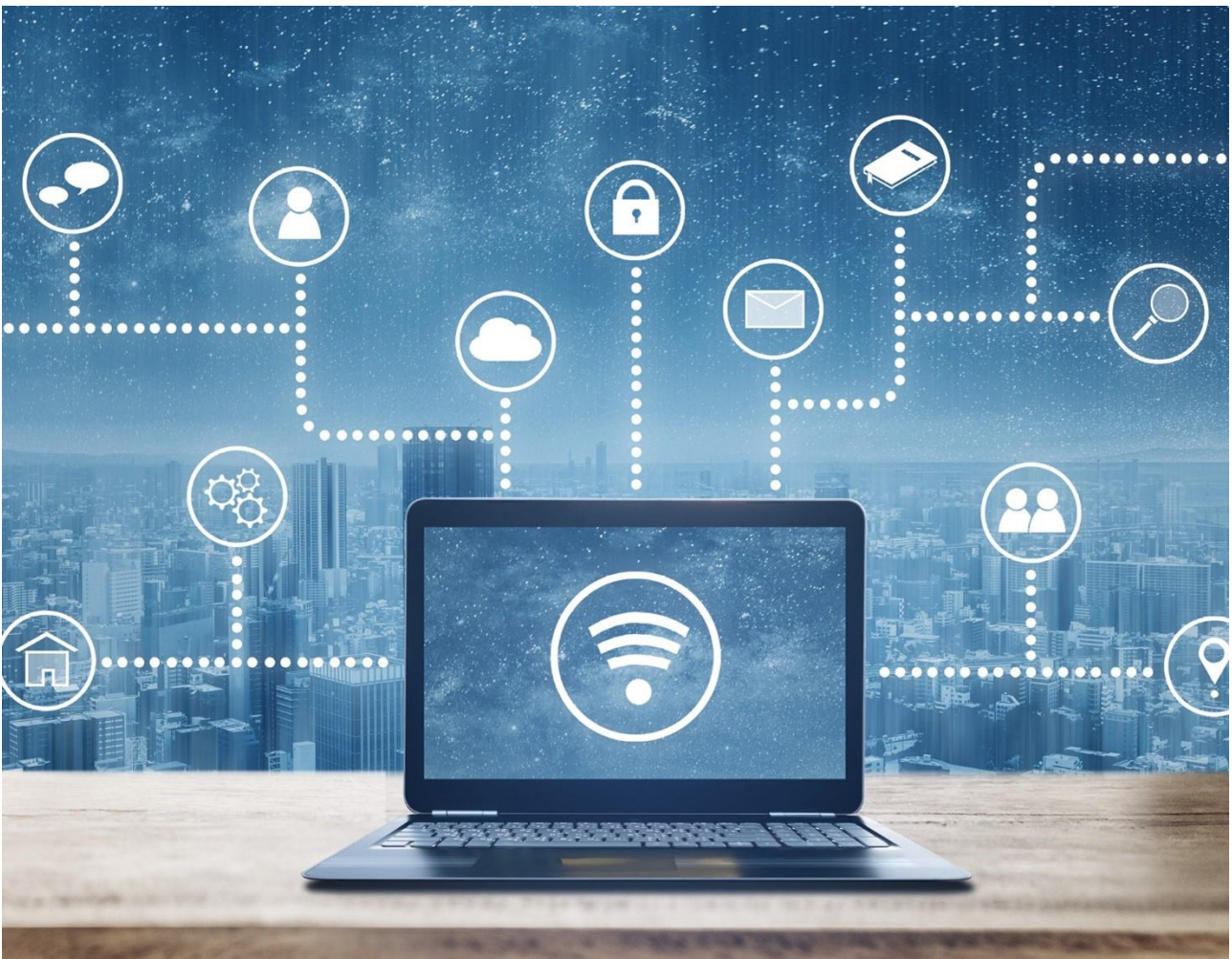


MyEPO Portfolio

Feature guide: Legal Interactive Platform



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1. Introduction

As you work with the EPO on your patent applications, there will be moments when you aren't sure about details of patent law and procedures.

The **Legal Interactive Platform** area of MyEPO Portfolio leverages the latest generative artificial intelligence (AI) techniques to provide you with a place to get information about patent law and procedures as you work with us online.

In this feature guide, we explain the purpose, coverage, and limitations of the Legal Interactive Platform, together with best practices for using it, pitfalls to avoid and examples.

You can always contact us at epo.org/support or your key account manager if you still aren't sure about something.

2. Purpose, coverage, and limitations of the Legal Interactive Platform

The Legal Interactive Platform is a place for getting information about the European patent system.

You can initiate a chat-style conversation in which you prompt the platform to provide information and can ask follow-up questions that take into account the information already exchanged in the chat session.

The Legal Interactive Platform uses the latest generative artificial intelligence (AI) techniques in responding to your prompts, and has been trained to respond to questions on knowledge drawn from the following sources of legal texts published on our website:

- European Patent Convention – see <https://www.epo.org/en/legal/epc>
- EPC Guidelines – see <https://www.epo.org/en/legal/guidelines>
- PCT-EPO Guidelines – see <https://www.epo.org/en/legal/guidelines-pct>
- Decisions of the Boards of Appeal – see <https://www.epo.org/en/case-law-appeals/decisions>
- Unitary Patent Related Provisions - see <https://www.epo.org/en/legal/up-upc>
- Official Journal of the EPO - see <https://www.epo.org/en/legal/official-journal>
- Case Law of the Boards of Appeal - see <https://www.epo.org/en/legal/case-law>

For each chat session you will be able to choose which sources you wish to consult. The Legal Interactive Platform will not respond to questions about non-legal matters or other knowledge not contained in these sources.

These sources are updated daily, so you should not see any discrepancies between the responses provided by the Legal Interactive Platform and the information published on epo.org.

Each chat conversation will be stored and can be retrieved if you would like to continue the conversation later. The platform will suggest a title for each conversation that makes it easier for you to find previous conversations.

The Legal Interactive Platform can respond to questions in many languages. However, please note that the platform's AI model has been trained on the English version of the legal texts, and so translates from English when responding to questions in other languages.

Limitations of the Legal Interactive Platform

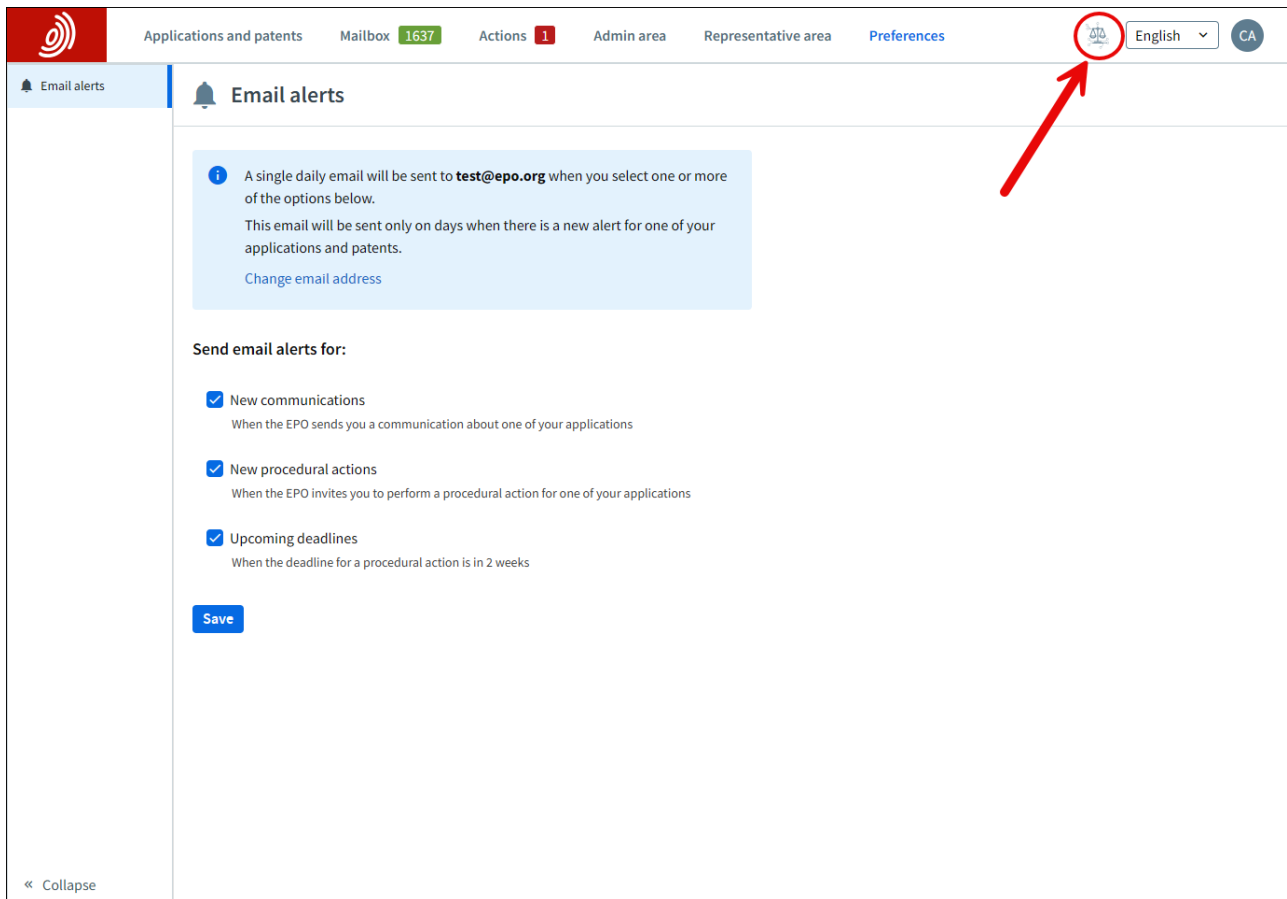
The Legal Interactive Platform helps you by providing links to the original sources of information, together with summaries and first approaches to understanding key concepts. It needs to be guided by your prompts which you may need to refine as the conversation evolves. A prompt that is insufficiently targeted can lead to misleading results.

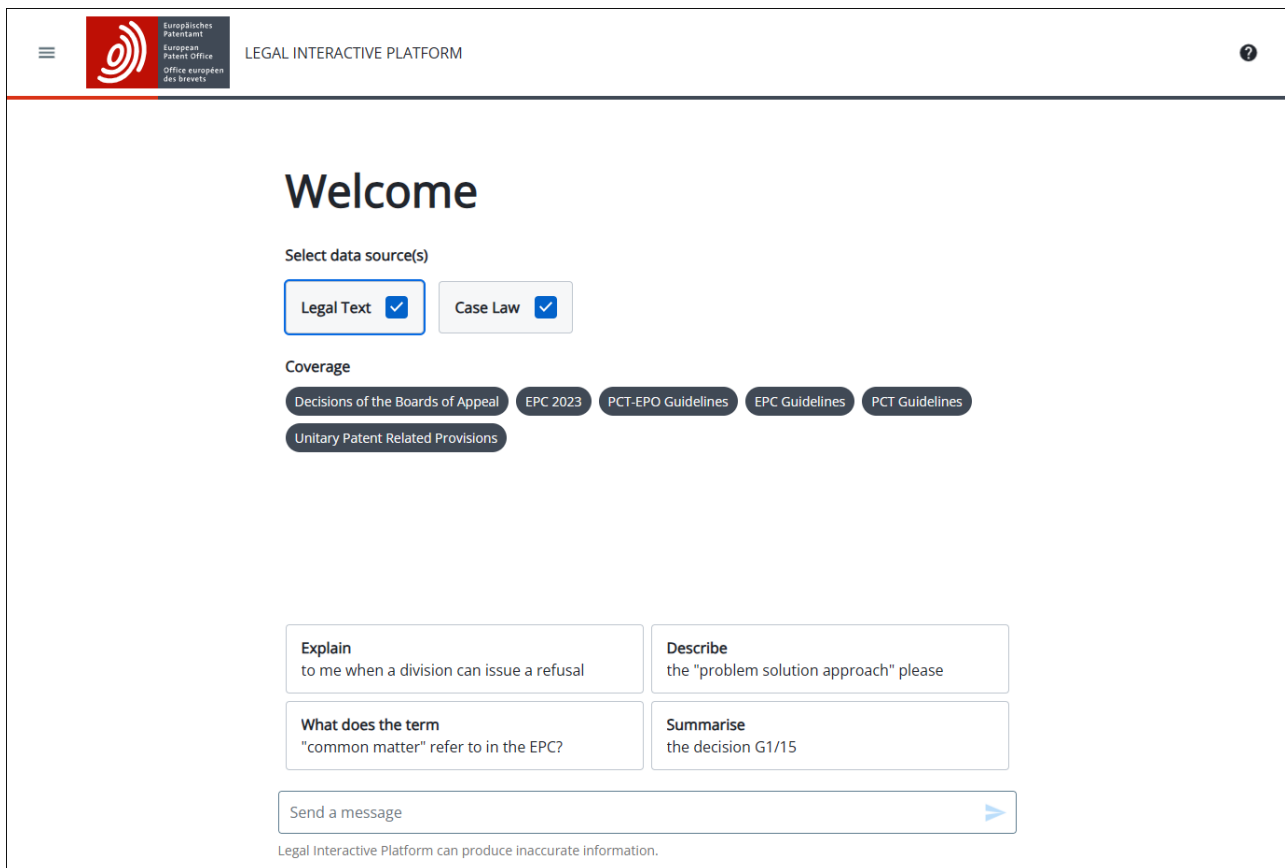
We have carefully tuned the platform to give accurate and factually correct responses as far as possible. However, we cannot rule out that the information provided is not factually correct even if it sounds correct. The EPO does not guarantee that such information is exhaustive, accurate and up to date. It should not be relied on for taking decisions in relation to proceedings before the EPO or otherwise of a critical nature and is not of a nature to create legitimate expectations vis-à-vis the EPO. None of the information constitutes professional or legal advice.

Ultimately, you are responsible for the quality of the prompts and validation of the responses, which you should check carefully against the original source texts.

3. How to use the Legal Interactive Platform

After signing in to MyEPO Portfolio, click on the legal icon next to the language selection box to access the Legal Interactive Platform.





Select the data sources you wish to include and type your question or prompts in the “send a message” box to initiate a chat session. You can see some examples of prompts on the screen.

In writing your message use your natural language and provide the context, as if you are speaking to someone you have never met and who has no background information about you and your activities.

Important: please avoid entering any confidential information like unpublished claims or other sensitive information as some of the information you enter will be handled on a third-party cloud platform.

When the platform has provided a response, you have the option to approve or disapprove of the content by selecting the thumbs up or thumbs down icons. If you disapprove, you will be invited to give more feedback for analysis.

You can also copy the whole response to your clipboard for further use by using the copy icon, or by using CTRL+C on specific parts if you wish.

You can interrupt the Legal Interactive Platform’s response by clicking on the stop icon that appears in the entry field and refine your request or dialogue further with the platform.

You can find tips on how to optimise prompts in general on the internet. For example: <https://www.promptingguide.ai/>

The screenshot displays the Legal Interactive Platform interface. At the top left, there are logos for the European Patent Office (EPO) in German, English, and French, along with the text 'LEGAL INTERACTIVE PLATFORM'. A help icon is visible in the top right corner. The left sidebar contains a '+ New Chat' button and a 'Recent' section. The 'Recent' section lists several chat topics, with 'G1/15 Decision Summary' selected. Below this, there are links for 'Case Law' and 'Legal Text'. The main chat area shows a message: 'Please summarise the decision G1/15'. The response is a detailed summary of the decision G 1/15 of the Enlarged Board of Appeal of the European Patent Office, dated 29 November 2016, addressing the issue of entitlement to partial priority for a claim encompassing alternative subject-matter by virtue of one or more generic expressions or otherwise (generic "OR"-claim). The key points of the decision are as follows:

1. The Enlarged Board of Appeal clarified that under the European Patent Convention (EPC), entitlement to partial priority cannot be refused for a claim that encompasses alternative subject-matter by virtue of one or more generic expressions or otherwise, provided that said alternative subject-matter has been disclosed for the first time, directly, or at least implicitly, unambiguously, and in an enabling manner in the priority document. No other substantive conditions or limitations apply in this respect.
2. The decision resolved a divergence in the case law regarding the interpretation of the concept of partial priority, particularly in relation to generic "OR"-claims.
3. The decision confirmed that the sole substantive condition for a right of priority under the EPC is that the priority document and the subsequent filing are directed to the same invention.
4. The decision emphasized the need for a consistent approach in assessing priority, novelty, and added subject-matter, aligning the assessment of priority with the "gold standard" disclosure test established in previous Enlarged Board decisions.
5. The decision also stated that the right of priority is intended to protect the applicant against third parties filing a patent application for the same invention during the twelve-month period after the first filing.

Below the response is a 'Send a message' input field with a blue arrow button. At the bottom of the chat area, there is a disclaimer: 'Legal Interactive Platform can produce inaccurate information.'

To see past conversations, click on the menu icon at the top left-hand side of the screen.

By clicking on the 3 dots that appear when you select a chat, you will be able to rename or delete your chat. The Legal Interactive Platform will automatically name your chat with keywords after it has given the first response. We advise keeping the same conversation in the same chat.

To start a new chat session, either click on the "New chat" button or click on one of your existing entries.

3.1 Best practices

To get the most out of the Legal Interactive Platform, you should **consider your prompts (questions or requests) carefully**. The more specific and refined they are, the better. The home page of the Legal Interactive Platform shows some suggestions about how to express different types of prompt.

We recommend that you be very clear about the **context** of your enquiry, and we have included some examples later in this document.

Here are some recommendations to obtain the most refined responses.

- Provide enough context, to enable the tool to exactly know what your question is about.
- Reformulate your prompt or refine it using the chat.
- Validate the responses by checking the sources.

- Always start a new chat when changing subject.
- Go back to a previous chat to continue a conversation on a specific topic.

We would appreciate it if you could let us know about **incorrect responses by using the “thumbs down” icon** that appears at the end of each response. You will be invited to provide the reason why the response is wrong, and your responses will be analysed by the Legal Interactive Platform team.

Using the **“thumbs up” icon when you find good responses** will also help us improve results. If you have been asking for alternatives, it will help the team understand which parameters produce the best results.

3.2 Pitfalls: what to avoid when drafting your prompts

Using only numbers without an associated reference to the Guidelines or articles you are interested in. The Legal Interactive Platform might interpret these numbers in a different way to what you might expect.

Using the tool as a regular query tool like Google. The Legal Interactive Platform requires context to provide accurate responses.

CAPITALISING terms without meaning to emphasize the term. The Legal Interactive Platform will place more weight on capitalised terms when searching for an response.

Mixing topics in the same chat: if you change topic within the same chat, the tool will still take into account your earlier prompts to provide the responses. Instead, open a new chat when starting a new topic.


Asking and providing personal, sensitive or unpublished information: The Legal Interactive Platform provides responses to legal questions, and it has not been designed to handle such information.

Asking for information that is not part of the knowledge sources and misuse of chats for purpose other than patent legal and procedural support. The Legal Interactive Platform is not able to handle such information.

3.3 Examples of how to refine your prompts to provide context




See the following example:

YOU Describe the "problem solution" approach, please limit your analysis only to EPC relevant aspects, not PCT

 The "problem-solution approach" under the European Patent Convention (EPC) is a method developed to ensure an objective assessment of inventive step and to avoid ex post facto analysis of the prior art. It is based on three main stages: determining the "closest prior art," establishing the "objective technical problem" to be solved, and considering whether the claimed invention, starting from the closest prior art and the objective technical problem, would have been obvious to the skilled person. This approach is frequently cited in relation to Rule 42(1)(c) EPC, which requires that the invention be disclosed in such terms that the technical problem (even if not expressly stated as such) and its solution can be understood, making problem and solution integral parts of any technical invention.

The problem-solution approach is not mandatory, but its correct application facilitates the objective assessment of inventive step. The approach is designed to rule out an ex post facto analysis which inadmissibly makes use of knowledge of the invention. If an alternative method is adopted, reasons for departing from this generally approved approach should be stated. The approach involves analyzing the steps a skilled person would have taken to solve the predefined objective technical problem, without further reflection on whether the associated changes to the closest prior art identified in this analysis made sense, as this could, in practice, add related aspects of other problems to the objective technical problem initially defined.

The problem-solution approach is applied consistently by the EPO to render the assessment of inventive step more objective, especially in cases involving claims comprising technical and non-technical aspects, such as computer-implemented inventions, and in the field of chemical inventions. In the latter, demonstrating the success of the solution and optionally reformulating the problem are important steps. The approach is based on the actual knowledge of technical problems and ways to solve them technically that the skilled person would, at the priority date, be expected to possess objectively, without being aware of the patent application and the invention that it concerned. This approach takes into consideration all technical features comprised in the closest prior art, regardless of whether they were directly identifiable or hidden, since even hidden features were publicly available (2. Problem and solution approach).


  

Without further specification you see a mixture of PCT and EPC sources and both are taken from internal guidelines. Please note the use of quotation marks for specific concepts like the "problem solution" approach. It helps the Legal Interactive Platform to search words together and may give better results.

Here is an example of guided prompting:

YOU

What about "Rectification of errors made by the receiving Office or the International Bureau"



Subsection 3.2.4, titled "Rectification of errors made by the receiving Office or the International Bureau (R. 82ter PCT)," addresses the procedures and conditions under which errors made by the receiving Office or the International Bureau can be rectified. This subsection has been updated to reflect case law and legislative changes up to 31 December 2023. It includes discussions on the following key points:

1. **Review of Incorporation by Reference:** If a receiving Office accords the international filing date on the basis of incorporation by reference of missing parts under Rule 20.5 PCT, the EPO as designated/elected Office will review whether the requirements of Rule 82ter.1(b)(i)-(iii) PCT have been complied with. This is to ensure that errors made in the process can be rectified ([2.9.3 Rectification of errors made by the receiving Office or the International Bureau](#)).
2. **Case Law Examples:** The appeal in J 3/00 questioned whether the Receiving Section should have rectified, under R. 82ter PCT, a purported error of the EPO acting as receiving Office for the purposes of the regional phase before the EPO. The Legal Board examined whether the filing date of the international application was incorrect due to an error made by the RO/EPO, which, if made by the EPO as designated Office itself, would have to be rectified under the EPC ([3.2.4 Rectification of errors made by the receiving Office or the International Bureau \(R. 82ter PCT\)](#)).
3. **Conditions for Rectification:** The EPO must rectify the error on the applicant's request if the applicant proves to the satisfaction of the EPO that the international filing date is incorrect owing to an error made by the receiving Office or that the priority claim has been erroneously considered not to have been made. The error must be such that, had it been made by the EPO itself, the EPO would rectify it under the EPC ([May errors made by the receiving Office or by the IB be rectified?](#)).
4. **Limitations on Rectification:** It is not possible to replace elements of the international application with elements from a priority application if this would result in the international application having, for instance, two descriptions or two sets of claims. The EPO will consider whether the element or part incorporated by reference was indeed missing ([2.9.3 Rectification of errors made by the receiving Office or the International Bureau](#)).

3.4 Further recommendations

We would recommend not giving up too quickly when you receive unsatisfactory responses and to try reformulating your prompt instead.

Here are some examples of prompts that may not lead to the responses you might expect.

1. *Can you explain the problem solution approach in a way a 5-year-old would understand?*

You can improve this prompt by using quotation marks around the concept "problem solution" approach and dividing your instruction in two distinct sentences if the responses are not satisfactory.

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2. *Please mention all cases where XXXX was either opponent or applicant. Use an L1 Brief to summarize all cases?*

Due to the way the tool works, it is not able to handle these kinds of prompt and may not list all cases. The general advice would be to narrow down the question to a topic where you expect to receive a much smaller number of items and always prompt it to check whether there are still records that have not been mentioned yet.

3. *Please mention cases where applications for mobile phones were rejected. Just give a table of the most relevant issues that caused the rejection in one column and the number of the decision in the other column. And all of this is in German. thanks!*

In this example, “relevant issues that caused the rejection” did not lead to the expected response and the Legal Interactive Platform presented a list of features instead. Reformulation using a simpler term like “basis for rejection” delivers the correct information.

4. *Is there any rule that pushes us to give the private addresses of the inventors?*

In this case, the user expected an exhaustive answer and did not receive it. Using a follow up prompt such as the following, seems to improve the quality of the response:

Please be sure that you are not missing any detail, is very important for me to understand any relevant detail concerning the rules requiring a representative to give the address of the inventors.