

**DECISION OF THE ADMINISTRATIVE COUNCIL
OF 15 DECEMBER 2020
AMENDING RULES 117 AND 118
OF THE IMPLEMENTING REGULATIONS TO THE
EUROPEAN PATENT CONVENTION**

(CA/D 12/20)

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (hereinafter referred to as "EPC") and in particular Article 33(1)(c) thereof,

On a proposal from the President of the European Patent Office,

Having regard to the opinion of the Committee on Patent Law,

HAS DECIDED AS FOLLOWS:

ARTICLE 1

(1) Rule 117 of the Implementing Regulations to the EPC shall read as follows:

"Where the European Patent Office considers it necessary to hear a party, witness or expert, or to carry out an inspection, it shall take a decision to this end, setting out the investigation which it intends to carry out, relevant facts to be proved, the date, time and place of the investigation and whether it will be conducted by videoconference. If the hearing of a witness or expert is requested by a party, the decision shall specify the period within which the requester must make known the name and address of any witness or expert concerned."

(2) Rule 118, paragraph 2, of the Implementing Regulations to the EPC shall read as follows:

"At least two months' notice of a summons issued to a party, witness or expert to testify shall be given, unless they agree to a shorter period. The summons shall contain:

(a) an extract from the decision under Rule 117, indicating the date, time and place of the investigation ordered, specifying whether it will be conducted by videoconference and stating the facts in respect of which parties, witnesses or experts are to be heard;

(b) the names of the parties and particulars of the rights which the witnesses or experts may invoke under Rule 122, paragraphs 2 to 4;

(c) an indication that a party, witness or expert who has been summoned to appear before the European Patent Office on its premises may, at his request, be heard by videoconference;

(d) an indication that the party, witness or expert may request to be heard by a competent

court of his country of residence under Rule 120, and an invitation to inform the European Patent Office, within a period to be specified, whether he is prepared to appear before it."

ARTICLE 2

This decision shall enter into force on 1 January 2021.

Done at Munich, 15 December 2020

For the Administrative Council
The Chairman

Josef KRATOCHVÍL