

## Letter of intent

**Guidelines for co-operation between the European Patent Organisation (EPO) and the European Innovation Council and SMEs Executive Agency (EISMEA) on the evaluation of proposals submitted under the September 2022 Strategic EIC Transition Challenge Call**

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# Guidelines for co-operation on the evaluation of proposals submitted under the September 2022 Strategic EIC Transition Challenge Call

## 1. Overview of EISMEA and EPO

### 1.1.

EISMEA, established in April 2021, is an executive agency of the European Commission responsible for implementation of the European Innovation Council (EIC) and the management of other EU programmes focusing on SMEs support, innovation and the single market.

### 1.2.

The European Patent Office is the executive organ of the European Patent Organisation ("EPO") an intergovernmental organisation with, at the time of signing the Contract, thirty-nine contracting States, as established by the Convention on the Grant of European Patents ("the European Patent Convention", Ref.: <https://www.epo.org/law-practice/legal-texts/epc.html>).

## 2. Purpose of the guidelines for cooperation

### 2.1.

These guidelines will facilitate a pilot activity to enable EPO patent examiners to provide input on the technological novelty, the inventive merit of the proposals under consideration and the proposed future strategy of EIC Transition proposals shortlisted for Jury interview following the call for proposals closing on 28 September 2022.

### 2.2.

Under this, EPO patent examiners will act as employees of the EPO, and will perform the evaluation in compliance with all its provisions and legal obligations under applicable EU, international and national law regarding the non-disclosure of any confidential information obtained in the course of the current pilot activity. It is therefore recalled that permanent staff of European Patent Office, even after leaving service, are subject to a statutory obligation under article 12 of the European Patent Convention and article 19 of the Service Regulations for permanent employees of the European Office not to use or disclose to any unauthorised person any fact or information coming to their knowledge in the course of or in connection with the performance of their duties, including officially organised interviews. (Ref.: <https://www.epo.org/about-us/office/service-regulations.html>).

### 2.3.

EPO patent examiners will be required to sign the attached 'Declaration of Confidentiality and Absence of Conflict of Interest' to access the confidential information submitted by applicants shortlisted for interviews under the 'RNA-based therapies and diagnostics for complex or rare

genetic diseases'; and the 'Process and system integration of clean energy technologies' strands of the Strategic EIC Transition Challenges call which closed on 28 September 2022.

#### **2.4.**

The patent examiners will not participate directly in the evaluation process but will provide their assessment to the Jury as material 'for information'.

#### **2.5.**

The assessment by the patent examiners will not be binding and the Jury assembled by EISMEA will have complete freedom to decide on its relevance.

#### **2.6.**

Input from the EPO examiners should be at the equivalent length of one page addressing:

- Technological novelty
- Competing technologies, and
- Possible lines of inquiry at interview

#### **2.7.**

The process for the pilot evaluation will be as follows:

- EISMEA will share the Abstracts of all projects submitted to the September 2022 EIC Transition call deadline once this call has closed, with the nominal EPO leads for this pilot: Mr Lluís Gimeno-Fabra (on behalf of VP1 LSO) and Mr Abderrahim Moumen (on behalf of DG1 Operation).
- The EPO will provide a shortlist of potential examiners that may be called to assess projects under the pilot and each of these examiners will sign the declaration of confidentiality with EISMEA.
- The relevant examiners will receive access to the full proposals shortlisted for interview on w/c 22 November EISMEA's SEP platform, following the remote evaluation step.
- The examiners will perform their assessment on the platform, using the dedicated text box and the evaluation report will be restricted to 4000 characters (equivalent to a 1 - page report).
- The EPO examiners will have to submit their assessment at least 5 working days before the interviews scheduled to take place on week commencing 12 December 2022.

#### **2.8.**

The collaboration will not involve any financial transaction between the two Parties and will be carried out in full compliance with the respective data protection rules.

2.9.


This letter covers the basic terms for cooperation between EISMEA and the EPO for this pilot initiative. Further collaboration is envisaged in the longer term with a view to strengthening and better coordinating efforts to raise awareness and understanding of patents, and to leverage the insights and expertise of domains specialists in both organisations to inform both future priorities and investments.

For the European Patent Office

For the European Innovation Council and  
SMEs Executive Agency

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António Campinos  
President of the EPO



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Jean-David Majo  
Director of the EISMEA

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Munich, 14.12.2022

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Brussels, 8/12/2022