

professional qualifications. However, the assistant had to be properly instructed in the tasks to be performed and a trained employee had to be on hand to give advice.

(iii) Properly instructing the assistant

In T 1764/08 the board held that **filing an admissible appeal was not a routine task**, but rather a complicated task which needed clear instructions from the professional representative to his assistant.

In T 2336/10 the board held that the representative did not appear to have issued proper instructions as regards the correct way to deal with the time limit for **filing a statement of grounds of appeal**. An assistant to whom that task was entrusted had to be instructed to work on the assumption that, once the notice of appeal had been filed and the appeal fee paid, a statement of grounds of appeal would in principle have to be filed within the four-month time limit laid down in Art. 108 EPC.

In T 198/16 the board held that a representative must give express and clear instructions to an assistant to the effect that the **appeal fee** had to be paid. It was not enough to rely on the assistant's deducing the duty to file the payment form from the notice of appeal.

In T 2450/16 the board noted that *epoline*® mainly dealt with the **electronic filing** of documents with the EPO. In the board's understanding, it was not an electronic guide supposed to convey knowledge about the right document(s) to file in a given situation. Rather the use of *epoline*® presupposed such knowledge. In other words, the assistant's use of *epoline*® could by no means replace the need for proper instructions from the representative.

(iv) Reasonable supervision

In T 949/94 of 24 March 1995 the board stated that a representative was expected to exercise reasonable supervision over the work delegated. This did not mean that he had to supervise the posting of every letter. Once he had signed a letter and ordered his secretary to post it, he was entitled to assume that it had been posted. In the light of that, the board was satisfied that the representative had exercised due care in dealing with his secretary (J 31/90, T 1171/13).

In T 1465/07 the secretary of the representative had previously worked for another partner and after her taking up her new job the instructions given in relation to the backup check consisted of little more than the order to continue to perform that check in the same way as she had done in her former position. The board considered that this was insufficient and that she required supervision at shorter intervals during the period immediately following her taking up the new job. Requiring such supervision was not only appropriate and necessary but also not disproportionate, as supervision does not require a substantial amount of time.

In T 1149/11 the board held that the duty of care concerning supervision of the assistant required that an effective cross-check was implemented, at least in a firm where a large