

(i) Routine tasks

In T 1062/96 of 11 December 1997 the board found that the **posting of a letter** prepared and signed by the representative was a typical routine task which the representative could entrust to an assistant (see also T 335/06). In the case in question the assistant was expressly instructed to send the letter by fax on the same day. In a properly organised office the representative could rely on the correct execution of such an instruction. The sending of the fax did not require any specialised knowledge or qualification. Therefore, the assistant, here a secretary, who had proven to be reliable in the daily work of the representative's office, could have been expected to do this job within her own responsibility. Since the order was to be carried out more or less immediately, a later check whether the fax had actually been despatched was not necessary. See also T 2023/14.

In T 2253/13 the representative tasked an assistant with sending the statement of grounds of appeal to the EPO by fax on the final date of the relevant time limit, however the assistant overlooked that the fax transmission had not been successful. The board was satisfied that the appellant was unable to observe a time limit in spite of all due care. The representative was entitled to transfer such a routine task to an assistant without infringing all due care in dealing with the filing of the grounds of appeal, and there had been an excusable isolated mistake by the assistant.

In T 2450/16 the board held that, at least in the case in hand, the preparation of a notice of appeal by the representative's assistant could not be considered to constitute a routine task that could rightfully be entrusted to her by the representative.

In T 3029/18 of 3 June 2020 the board concluded that, once a representative had decided what fee had to be paid on what day, acting on the instruction was a routine task that could be left to an experienced and reliable assistant. In the board's view, it would be going too far and out of proportion to require another check of whether the instruction had been properly carried out. On this point, it endorsed the finding of the board in T 1355/09 that a very small firm was not required to have a system of checks in place.

(ii) Choosing a suitable person for the task

In T 191/82 (OJ 1985, 189) the non-payment in due time of an additional fee was found to be clearly attributable to an unfortunate concatenation of errors by nevertheless properly selected and experienced employees.

In J 12/84 (OJ 1985, 108) the due care required in the circumstances was not observed when the **employees of another company** were instructed to sign for registered mail addressed to the representative, as he was not able to supervise the work of such persons not employed by his firm.

In T 309/88 of 28 February 1990 the board stated that even **employees without formal training** as patent attorney's assistants could perform the task of recording and monitoring time limits. This was routine work which did not require specialised knowledge and