

In T 8/13 the appellant had requested to be given authorisation to make a sound recording of the oral proceedings. The board stated that sound recordings were not allowed and referred to the corresponding notice of the Vice-President of DG 3 (OJ SE 3/2007, 117).

7.6. Handwritten amendments during oral proceedings before the board

In T 1635/10 the board took note of the notice from the EPO of 8 November 2013 (OJ 2013, 603) regarding the practice on handwritten amendments to patent documents. In the case in hand, the documents as proposed for the maintenance of the patent contained handwritten amendments, carried out at the oral proceedings before the board. For the board to do what was required by the above notice would, in the case in hand, be detrimental to the principles of due process and procedural economy. The board therefore found that the documents as presented at the oral proceedings, for which the above checks could easily be performed and on which the appellant had had the opportunity to comment, were sufficient to base its (final) decision on. Since the department of first instance in any case would have to perform further formal steps before it actually maintained the patent in accordance with the board's order, it could apply its new practice to the relevant documents. See also T 37/12.

7.7. Interpreting in oral proceedings

As to the issue of interpreting costs during oral proceedings, see in this chapter III.C.8.2; for the application of R 4 EPC see chapter III.F.3. "Derogations from the language of the proceedings in written proceedings and in oral proceedings".

7.8. Oral submissions by an accompanying person

Reference is made to chapter III.V.5., "Oral submissions by an accompanying person".

7.9. Closing the debate

According to the established practice, the closing of the debate marks the last moment in the oral proceedings at which parties can still make submissions (T 595/90, OJ 1994, 695; G 12/91, OJ 1994, 285; R 10/08; R 14/10).

In T 577/11 the board held that if the debate on a particular topic had been closed without announcement of a decision on the matter, the board had discretion over whether it would re-open the debate and over the extent to which it would do so. A decision given orally by a board became effective and binding by virtue of being pronounced (see G 12/91). It excluded any re-opening of the debate. In addition to announcing a decision or re-opening the debate, the board could announce conclusions of its deliberations or invite the parties to discuss the next topic. A re-opening of the debate was an exception (cf. R 10/08) and there was no right of a party to have the debate re-opened.

With regard to re-opening the debate before the EPO departments of first instance, see T 683/14.