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Presentation given at the 97th meeting of the Technical and Operational Support Committee – EPO Policy on the use of Artificial Intelligence Systems

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President of the European Patent Office

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Technical and Operational Support Committee (for information)

SUMMARY:

This document has been issued in English only.

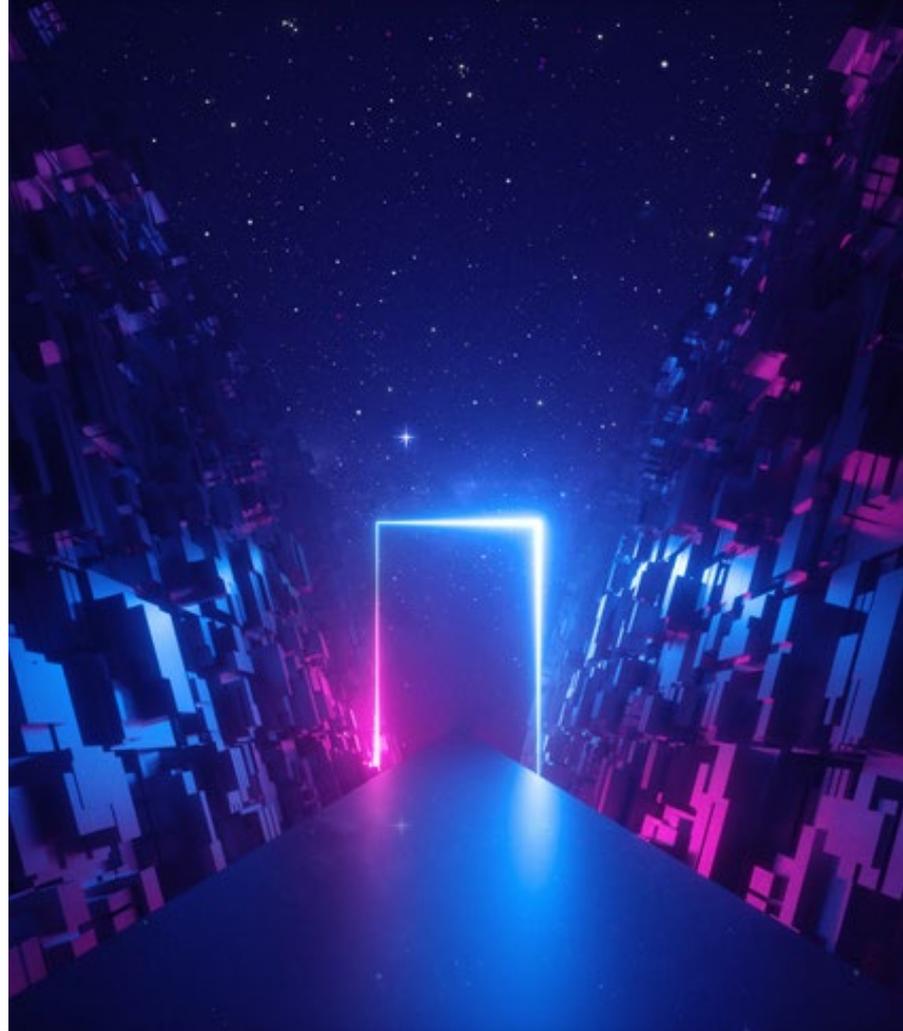
EPO POLICY ON THE USE OF ARTIFICIAL INTELLIGENCE SYSTEMS

DELIA BRASFALEAN | CTO OFFICE | APRIL 2025

TRANSFORMATION THROUGH AI

Artificial Intelligence (AI) has emerged as the most transformative technology of the 21st century:

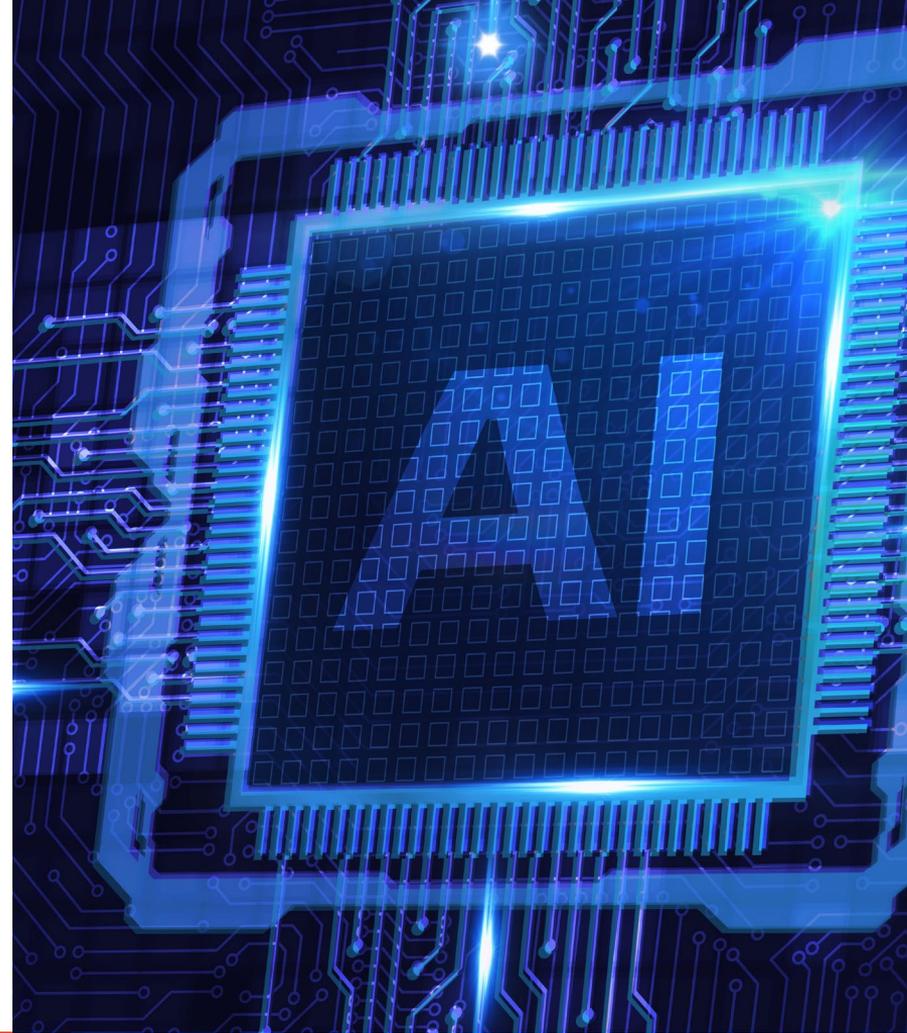
- Public administrations increasingly exploring AI's potential to improve public services, efficiency, and engagement
- AI also transforms the examination and administration of patents, improving quality, increasing efficiency, and offering personalised services to users



AI USE AT THE EPO

The EPO has always been at the forefront of using AI, to the benefit of users – e.g. in:

- Pre-search
- Machine translation
- Pre-classification
- Classification



AI USE AT THE EPO

Opportunities



Artificial Intelligence represents transformative opportunities for the EPO, i.a.:

- Increased efficiency in patent processing and administrative functions
- Enhanced accuracy and consistency in search and decision-making processes
- Broadened accessibility through tools like real-time translation and AI-driven data analysis
- Support for innovation and sustainability in patent systems and beyond

Risks



Given the disruptive nature of AI, AI-specific challenges will need to be managed, i.a.:

- Fairness and equity in AI applications
- Due process risks
- Bias and lack of transparency in AI systems
- Data protection risks
- Evolving legal and technical standards

THE TWO PILLARS OF THE AI POLICY: COVERING ALL AREAS OF THE OFFICE (ADMINISTRATION & CORE)

Responsibly harness AI

Embracing AI as an opportunity to improve quality, effectiveness, efficiency, and sustainability



Use in accordance with key principles

AI Policy



Appropriately manage risks



Implementing comprehensive risk management framework based on risk of the concrete AI systems to be deployed

In line with best practice, e.g., EU AI Act, Council of Europe Framework Convention on AI

PRINCIPLES FOR AI USE AT THE EPO

All AI use at the EPO must follow essential principles:

- **Respect of fundamental rights**

e.g., due process rights, the right to protection of personal data, and principles of public order

- **Legal compliance and ethical decision making**

- **Risk-based approach**

- **Appropriate monitoring and compliance mechanisms**

- **Protection from erroneous or inaccurate information generated or provided by AI**



A HUMAN-CENTRIC APPROACH

AI supports and complements human decision-making – but does not replace it.

- The combination of Human + AI provides best results in quality and efficiency
- Final decisions at the EPO will be taken by human actors
- Accountability and responsibility for such decisions remains with the Office in relationship to third parties, in line with our legal framework



FORBIDDEN AI SYSTEMS

Some uses of AI are considered as a threat to fundamental rights, and therefore not permitted:

- Manipulative or deceptive techniques
- Exploitation of age, disability or a specific social or economic situation
- “Social scoring” systems
- Social/ethnic/gender-based profiling or categorisation
- Facial recognition via untargeted scraping
- Inferring of emotions

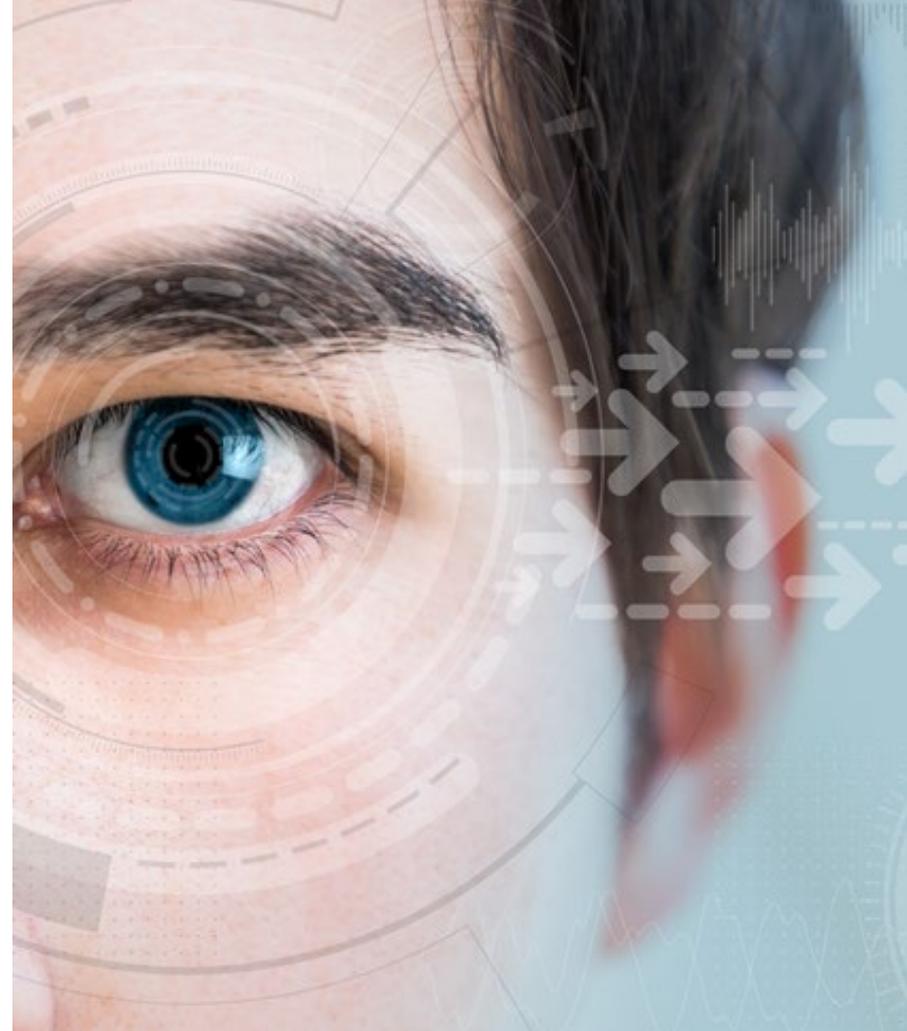


HIGH-RISK AI SYSTEMS

Depending on the area of use, AI systems may be classified as high-risk, triggering extensive obligations for a continuous and iterative risk assessment and management process.

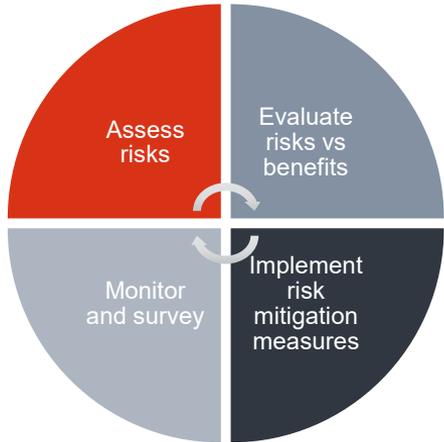
High-risk areas identified are i.a.:

- Biometric identification
- Educational / vocational training
- Human resources: recruitment or selection
- Essential services and benefits



AI RISK MANAGEMENT

High-Risk AI Systems:



Medium-Risk AI Systems:

Risk originates from danger of deception of users

→ Ensure transparency and clear information



CONCLUSION

Opportunities: The EPO embraces AI, as a unique opportunity that will significantly and sustainably improve our offerings to the benefit of our users. We will continue to explore options for the responsible use of AI in all areas.

Continuous improvement: AI development is progressing at an incredible pace. The implementation of the AI policy will continue to evolve as new opportunities and challenges arise.

Feedback and input: We will monitor closely the developments in the AI and legal world and also invite and welcome feedback from users and other key stakeholders.

