

# AI and Quality

*Is the EPO approach really “human-centric“ ?*

# The EPO adopts an AI Policy

- **5 March: Intranet [news item](#) “New EPO AI policy adopted”**
  - Release date: February 2025
  - no consultation of staff and their representation, no decision of the Administrative Council
- **21 March: Central Staff Committee (CSC) [open letter](#) to Mr Campinos**
  - Request for open and transparent debate with stakeholders and statutory consultation
  - [Answer from CTO/COO](#) confirms the Office only intends to inform
- **29/30 April: Technical and Operational Support Committee (TOSC)**
  - on the agenda, a [presentation](#) on the AI Policy not the policy itself
  - Member States delegations received a link to the policy document on the Single Access Portal (SAP) only the day before the meeting
  - Chair of the TOSC (DE) asked: *“Who did you consult for your policy?”*
  - Non-answer from the Office

# What is “human-centric” AI?

- What the EPO defines as “human-centric” AI

“final decisions will be taken by humans at the EPO”

- What the EU AI Act ([Recital 6](#)) defines as human-centric AI

“As a pre-requisite, AI should be a human-centric technology. It should serve as a tool for people, with the **ultimate aim of increasing human well-being**.”

- What ChatGPT says on human-centric AI

“Human-centric AI refers to the design, development, and deployment of AI systems that **prioritize human values, needs and well-being** instead of focusing purely on technological advancement or efficiency.”



**ChatGPT learnt better from the EU AI Act than the EPO did**

# What's wrong with the EPO AI Policy

- **Not bound by international texts**

- just takes note of initiatives such as the Council of Europe [Framework Convention on Artificial Intelligence and Human Rights, Democracy, and the Rule of Law of 17 May 2024](#), and the [EU AI Act](#).
- hides behind administrative autonomy under Article 4(1) EPC to consider these texts as not legally binding

- **Limiting “human-centric” to final decisions taken by humans is insufficient**

- AI can make intermediate steps

If there is no systematic human review of intermediate steps, AI influences the final decision and humans lose the control

- Not even true

Decisions on loss of rights (no payment of fees) already automated in Patent Administration

# What's wrong with the EPO AI Policy

- **Lack of boundary between “assistance” and “decision-making”**
  - advocates implementation of AI in pre-search, machine translation, pre-classification, re-classification
  - *“to potentially automate considerable parts of the search”*
  - *“to automate repetitive tasks, leading to increased efficiency and productivity in various areas including the examination process”*
  - recognises that AI *“may even supplant decision-making processes”* even if *“[i]n public administration this may pose certain legal questions relating to due process”*.

# What's wrong with the EPO AI Policy

- The EPO explicitly does not exclude using AI systems in employment matters
  - for recruitment, promotions and termination of service
  - for evaluating the eligibility of individuals for essential benefits and services, including healthcare coverage
  - for assessing the likelihood that an individual will engage in misconduct and in the course of investigations
- No mention of human well-being



**EPO AI Policy falls into caveats of underregulation  
for the purpose of efficiency and short-term profits**

# Leveraging AI (Classification) for quality?

- **Strategic Plan 2028 Dashboard**

- KPI, “Leveraging AI”

Definition: % of classification tasks that no longer require human intellectual classification

Target: **90%** (present 46%)

- **“Towards humanless patent classification?”, CSC [paper](#) of 11 April 2025**

- Classification model BERT

H04L67/12	62%
H04L41/0853	34%
H04L67/34	22%
...	...

**The output of the classification model is a confidence score for each CPC symbol**

- Since June 2024, AI-proficient classification schemes are under AI-autoclose
    - Allocated classes by human third-parties (other patent offices or non-authorised classifiers) are compared against AI suggestions.
    - In case of match under certain conditions, circulation of file is automatically closed
    - No further circulation to authorised classifiers for final review

# Leveraging AI (Classification) for quality?

- **CSC organised a poll among gérants**

- From 12 February to 13 March 2025, the staff representation gathered 247 responses from gérants with the following results:

**67,61% replied they are dissatisfied** with the quality of classification provided by AI-autoclose

19,03% replied that they are unaware of the AI-autoclose procedure

13,36% replied that they are satisfied

- **Reactions of management during Budget and Finance Committee meeting (30 April 2025)**

- *“Classification is a religion”, VP4*
- *“There are areas where AI did not yet meet the required quality standards, so tasks were still done manually. But we learn that where AI is right, it is always right”, VP1*

**Upper management is dealing with concepts they seem unfamiliar with**



# Leveraging AI (Classification) for quality?

- **We should care about accurate classification**

- Tells us where the invention is, and where we should look for it
- Provides a first understanding of the patent application
- Not all searches can be done in fulltext with keywords. There is not one way to do a search
- A service to the users for following research and technology trends

- **Sufficient human intellectual classification should be maintained**

- AI only knows what it learnt and schemes need to be updated (or new keywords created)
- Only possible with experienced classifiers reviewing at least 700 files a year
- 10% of fresh human intellectual classification may not be sufficient model training

- **Where can AI be useful?**

- AI suggestions help to discover neighbouring fields
- Classifying e.g. Chinese Utility models

**Saving 80 FTEs on a core EPO task for short-term profits is not sustainable**

# Challenges and risks with AI

- Guidelines for the use of AI tools at the Boards of Appeal ([BOAC/7/24 Add. 2](#))

## RISKS RELATING TO ACCURACY AND RELIABILITY

- AI-based answers to prompts by – in particular publicly available – AI tools (chatbots) may be
  - inaccurate – e.g. wrongly summarising a decision
  - incomplete – e.g. providing not all decisions on a certain topic
  - misleading – e.g. putting emphasis on more recent decisions
  - outdated – e.g. outputting superseded decisions
  - fictitious – e.g. providing "phantom cases" or other hallucinations
  - biased – e.g. towards specific jurisdictions or positions in contentious issues
  - unreliable – e.g. providing no sources for the answer
  - irreproducible – e.g. providing different outputs to the same input

# Challenges and risks with AI

- **EPO staff makes massive use of public chatbots already**
  - Prompted chatbots may give a result which looks professional
  - Critical review of results is necessary

## BUT

- Critical thinking is not encouraged at the EPO (subordination to line manager is expected)
- Speed and timeliness remain prominent criteria for performance assessment
- Incentive is strong to opt for the easiest solution:
- Reusing AI results directly, avoiding a critical review of the case and shortening the procedure towards grant



# Challenges and risks with AI

- **Environmental sustainability**

“The EPO is **committed to achieving carbon neutrality by 2030**, which will in turn contribute to a smarter, safer, more sustainable world[...] This means working towards delivering all our products and services with the lowest possible environmental impact.”

BUT

- Prompting ChatGPT (“Hi ChatGPT”) consumes at least **10 times more energy** than a Google Search query



# Challenges and risks with AI

- **AI models vs deterministic algorithms**

- Deterministic algorithms may be sufficient for many tasks
- AI models should be used only where necessary

e.g. if a script in Epyque can be used to compare sets of claims (q/pyFDIFF) and generate a claim tree, why prompt an LLM (EPO Interactive Platform) to do the same?

- **Prompting a chatbot is an art / science**

- Increasing gap between power users vs newbies
- Assistance with database of prompts or deterministic algorithms triggering prompts via friendly user interface



# Conclusion

- Staff and their representation need to be consulted on where and how AI will be implemented
- EPO should be bound by international texts, i.e. EU AI Act
- AI should assist and not supplant
- AI should be no substitute to human management in employment matters
- [Resolution](#) to be adopted by staff
- [Vote](#) is anonymous and accessible until 17.00 hrs

Thank you for your attention!