

The Establishment of the Unified Patent Court

State of Play

Ministry of Justice Sweden
Government Offices of Sweden



The Preparatory Committee - organisation

- **Established in March**
- **Organising the Committee**
 - Electing key persons
 - Organisation of the work of the Committee
 - Establishing a Secretariat
 - Adopting structural documents
 - Adopting a roadmap, including target date
 - Setting up a website (www.unified-patent-court.org)

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The Preparatory Committee - objectives and challenges

The UPC shall be fully operational as from day one!

- Legal and Financial framework
- Equipment, buildings etc.
- Judges, staff and training
- Electronic case management & filing system
- Patent litigation certificate
- Registration of opt-outs in advance (sunrise clause)
- Transition from preparatory phase into operational phase

The Preparatory Committee - working method

- **Five working groups with assigned coordinators**
- **The working groups shall deliver proposals to the Committee**
- **The Committee will then agree on the proposals**
- **Everything will need to be formally adopted once the UPC Agreement enters into force**

Legal Framework

- Rules of Procedure
- Fee structure
- System for recoverable costs
- Patent litigation certificate
- Mediation and arbitration centre

Consultation on the Rules of Procedure

- > 100 responses, law firms, patent attorneys, organisations, individual judges and courts, enterprises
- The Preparatory Committee will publish comments received
- The process of analysing the comments has started, revised draft and hearing during the spring of 2014

Finance

- **Budget of the UPC, including salaries, pensions etc.**
- **Financial regulations**
- **Contributions from Contracting Member States**
- **Level of the court fees**

IT

- **Electronic case management and filing system**
- **primary two options**
 - fully fledged turn-key system, or
 - cloud based off the shelf system configured for the needs of the UPC
- **Reconsider roadmap depending on the choice**
- **Need for user involvement**

Human Resources

- **Pre-selection of judges**
- **The closing date for submissions was November 15 – huge interest**
- **Advisory Panel will advise on selection of judges**
 - composed of experienced judges
 - chaired by Sir Robin Jacob

Human Resources

- **Training program for candidate judges**
 - Cooperation with the Patent Academy of the EPO
 - Internships in national courts
 - The Advisory Panel will give advise on the individual training programs for the candidate judges

The national processes

- **Austria has ratified the UPC Agreement**
- **Work is well underway in the other Contracting Member States**
- **Local or regional divisions?**
 - Germany, the UK, France, the Netherlands, Belgium and Italy will request the UPC to establish local divisions
 - Discussions are on-going in several regions with the aim of establishing regional divisions (Nordic/Baltic, Tjech/Slovak, Romania/Greece/Bulgaria/Cyprus.)

Interpretations and time schedule

- **Issues dealt with by interpretative notes of the Preparatory Committee**
- **2015, will we make it?**

Further information: <http://www.unified-patent-court.org>

