

## **Preparatory Committee of the Unified Patent Court**

### **Call for expression of interest of candidate judges of the future UPC**

1. The Agreement on a Unified Patent Court (UPC Agreement) was signed on 19 February 2013. The Unified Patent Court (UPC) will be a court common to the Contracting Member States and thus part of their judicial system. It will have competence for the settlement of disputes relating to European patents and European patents with unitary effect.
2. The 25 Member States who signed the Agreement and who make up the membership of the Preparatory Committee up to now are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Romania, Slovakia, Slovenia, Sweden, United Kingdom. Together with the UPC Agreement, Contracting Member States have adopted a declaration concerning the preparation for the coming into operation of the UPC. In that declaration the Contracting Member States highlighted that the UPC should be fully operational upon the entry into force of the UPC Agreement without undue delay. With the aim of preparing the practical arrangements and setting out a roadmap for the establishment and coming into operation of the new institution, the Contracting Member States set up the Preparatory Committee of the UPC which is composed of their representatives.
3. On 11 June 2013 the Preparatory Committee adopted its organisational rules and a detailed roadmap. It is emphasized in the roadmap that the preparation of the nomination of the first group of judges and the organisation of the training of candidate judges are considered to be a priority task in the preparatory phase.
4. The Court shall comprise both legally qualified judges and technically qualified judges. Following the entry into force of the UPC agreement, judges will be appointed for a term of six years by the Administrative Committee based on the list of the most suitable candidates established by the Advisory Committee. Nevertheless, it is the task of the Preparatory Committee to duly prepare the nomination process to the extent that the appointment of judges will be possible without any difficulty, once the UPC Agreement enters into force (expected for early 2015).
5. Therefore the Preparatory Committee calls for expression of interest of candidates, both on part-time and on full-time basis, for legally qualified judge positions and technically qualified judge positions of the future UPC.
6. It is apparent from Article 15 of the UPC Agreement, read in conjunction with Article 2 of the Statute of the Unified Patent Court that candidates for the position of judge of the UPC must satisfy the following conditions:
  - they must be nationals of a Contracting Member States,
  - they must have a good command of at least one official language of the European Patent Office (DE/EN/FR),

- they must be able to ensure the highest standards of competence and shall have proven experience in the field of patent litigation,
  - o Candidates for legally qualified judge position must possess the qualifications required for appointment to judicial offices in a Contracting Member State;
  - o Candidates for technically qualified judge position must have a university degree and proven expertise in a field of technology. They must also have proven knowledge of civil law and procedure relevant in patent litigation.

Candidates' attention is drawn to the fact that according to Article 2 (3) of the Statute of the UPC, experience with patent litigation which has to be proven for the appointment may be acquired by the training framework of the UPC.

7. The pre-selection of candidate judges will be conducted by the Preparatory Committee. An Advisory Panel composed of experienced, active or former members of appeal courts or supreme courts or active or former lawyers with recognised competence in patent litigation is to be established pursuant to Article 9 of the Organisational rules of the Preparatory Committee of the UPC. This Advisory Panel will assist the Preparatory Committee and the Human resources and training working group both on assessing the qualification and experience of candidates and on establishing the training requirements for the candidate judges. This procedure is without prejudice to the formal appointment procedure. Future calls for expression of interest may be held.
8. Based on the assessment of the Advisory Panel, a provisional list of suitable candidates shall be established, allowing the candidates if necessary to participate in the training program that is to be established for the preparatory phase. While offering no guarantees of future appointment as judges, inclusion on the provisional list and if necessary participation in the training program of the preparatory phase means that candidates are identified as being among qualified judge candidates of the UPC before the formal appointment procedure to be launched. Preceding the formal appointment procedure oral interviews may be held where appropriate.
9. Official appointment procedure of the first group of judges shall be launched according to Article 16 of the UPC Agreement, read in conjunction with Article 3 of the Statute of the Unified Patent Court following the setting up of the Administrative Committee and the Advisory Committee.
10. Applications prepared on one of official languages of the European Patent Office (DE/EN/FR) must be accompanied by a curriculum vitae and a letter setting out reasons supporting the application, and also photocopies of supporting documents.  
Applications are to be addressed to the attention of Mr. Paul van Beukering, chairman of the Preparatory Committee and must be sent electronically by **15 NOVEMBER 2013** at the latest to the following e-mail address: [secretariat@unified-patent-court.org](mailto:secretariat@unified-patent-court.org)

The Preparatory Committee ensures the confidentiality of personal data provided in the applications by taking the appropriate data protection measures.