



Advisory Committee

Decision of the Advisory Committee Amending the Rules of Procedure of the Advisory Committee of the Unified Patent Court for the Period of Provisional Application of the Agreement on a Unified Patent Court

Luxembourg, 24 February 2022

**DECISION OF THE ADVISORY COMMITTEE OF 24 FEBRUARY 2022 AMENDING THE
RULES OF PROCEDURE OF THE ADVISORY COMMITTEE OF THE UNIFIED PATENT COURT
FOR THE PERIOD OF PROVISIONAL APPLICATION OF THE AGREEMENT ON A UNIFIED PATENT
COURT**

THE ADVISORY COMMITTEE OF THE UNIFIED PATENT COURT

Having regard to the Agreement on a Unified Patent Court (hereinafter referred to as “the Agreement”), in particular Article 14 thereof,

Whereas:

(1) In accordance with Article 1 of the Protocol to the Agreement on a Unified Patent Court on provisional application, the institutional, organisational and financial provisions of the Agreement shall enter into provisional application, upon the entry into force of said Protocol,

(2) In accordance with Article 11 of the Agreement, an Administrative Committee, a Budget Committee and an Advisory Committee shall be set up in order to ensure the effective implementation and operation of this Agreement,

(3) Pursuant to Article 14(4) of the Agreement, the Advisory Committee shall adopt its rules of procedure,

(4) Given that, in accordance with Article 3(2) of the Statute, the Advisory Committee shall give an opinion on candidates' suitability to perform the duties of a judge of the Court. The opinion shall comprise a list of most suitable candidates,

(5) In order to facilitate the efficiency of the Advisory Committee during the period of provisional application, by simplifying and speeding up procedures where appropriate,

HAS ADOPTED THIS DECISION:

Article 1

During the period of provisional application of the Agreement, the Rules of Procedure of the Advisory Committee are amended as follows:

- 1) In **Article 1** paragraphs 1, the term “Chairperson of the Administrative Committee” is replaced by “Chair of the Preparatory Committee”;
- 2) In **Article 4**, paragraph 1, the term “President of the Court of Appeal” is replaced by “Chairperson of the Committee”;
- 3) **Article 6** is amended as follows:
 - (a) The following sentence is added at the end of paragraph (1): “The inaugural meeting of the Committee shall be convened by the Chair of the Preparatory Committee and shall be scheduled during the first days of the period of provisional application of the Agreement.”;

- (b) The following paragraph is added: “(4a) When circumstances require, and provided that a majority of the members does not object, the Chairperson of the Committee shall be able to abridge the notice period for the convocation of the Committee’s meetings during the period of provisional application of the Agreement.”;
 - (c) The first sentence of paragraph 6 is replaced by the following: “(6) During the period of provisional application of the Agreement, the Chairperson in the consultation with the members shall fix the place where the meeting shall be held.”.
- 4) In **Article 7**, the following paragraph is added: “(2a) During the period of provisional application of the Agreement, the Chairperson shall be able to abridge the deadline under paragraph 2 as necessary.”.

Article 2

During the period of provisional application the application of Article 11 shall be subject to the discretion of the Chairperson, after having heard the Committee and after having specific regard to the necessities and circumstances of this special period.

Article 3

These Rules shall enter into force on 24 February 2022.

For the Advisory Committee

[Signatures and name of the Chairperson] The Chairperson