

## **Preparatory Committee of the Unified Patent Court (UPC)**

### **Rules on the pre-selection procedure of judge candidates of the future UPC**

#### **Article 1**

##### **Aim and rules of the pre-selection procedure**

1. Without prejudice to the formal appointment procedure, the pre-selection procedure of judge candidates aims to contribute to the nomination of the first group of judges and to ensure the organisation of the training of candidate judges in the preparatory phase.

2. The Preparatory Committee shall adopt the rules governing the pre-selection procedure of candidate judges together with the call for expression of interest. The first call for expression of interest should be launched in due time in order to allow for necessary training of candidates before the entry into force of the Agreement. Future calls for expression of interest may be held.

#### **Article 2**

##### **Advisory Panel**

1. An Advisory Panel shall be set up comprising of five to seven persons chosen from among experienced, active or former members of appeal courts or supreme courts or active or former lawyers with recognised competence in patent litigation pursuant to Article 9 of the Organisational rules of the Preparatory Committee of the UPC.

2. Members of the Advisory Panel shall be nominated by the Contracting Member States.

3. The mandate of the Advisory Panel and the final composition thereof shall be approved by the Preparatory Committee.

4. The Advisory Panel shall assist the Preparatory Committee and the Human resources and training working group both in assessing the qualifications and experience of candidates and in setting the individual training requirements of the candidate judges.

5. The Secretariat of the Preparatory Committee shall also serve as the Advisory Panel's secretariat. It shall provide the administrative support necessary for the working of the Advisory Panel, including the translation of documents.

## **Article 3**

### **Call for expression of interest**

1. The Preparatory Committee shall publish the call for expression of interests of candidate judges of the future UPC on the following website: <http://www.unified-patent-court.com/>.
2. The draft of the call for expression of interests is to be prepared and discussed by the Human resources and training working group before being submitted to the Preparatory Committee for adoption.
3. In accordance with Article 15 of the UPC Agreement and Article 2 of the Statute of the Unified Patent Court candidates expressing interest for the position of judge of the UPC shall 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.

Candidates for legally qualified judge position must possess the qualification required for appointment to judicial offices in a Contracting Member State.

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.

It should be noted however 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.

## **Article 4**

### **Setting up of a provisional list of suitable candidates**

1. Following the closing date of the call for expression of interests, the Advisory Panel shall provide an opinion assessing all applications received with a view to the suitability of candidates to perform the duties of a judge of the UPC.
2. When assessing the applications, the Advisory Panel shall ensure the best legal and technical expertise and a balanced composition of the UPC on as broad a geographical basis as possible among nationals of the Contracting Member States. The prospective location of regional and local divisions and the requirements regarding the composition of their panels should be taken into account.
3. Based on the assessment of the Advisory Panel, a provisional list of suitable candidates shall be developed by the Human resources and training working group and approved by the Preparatory Committee, allowing the candidates where necessary to participate in the training program that is to be established for the preparatory phase.
4. While offering no guarantee of future appointment as judges of the UPC, inclusion on the provisional list and as 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 is launched. Preceding the formal appointment procedure oral interviews may be held where appropriate.

## **Article 5**

### **Training program in the preparatory phase**

1. Selected candidates due to undergo training activities shall participate in an intensive programme during the pre-selection procedure.
2. The first training programs shall start without delay following the setting up of the provisional list of suitable candidates

## **Article 6**

The applications contain sensitive personal data and have to be dealt with during the application phase in strict confidence by all those members of the Preparatory Committee, the Human Resources Group and the Advisory Panel that have legitimately access to the candidates' files. The Preparatory Committee will implement data protection measures safeguarding confidentiality.

-----