



Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

My Legal Team Function

User Manual

Release Date : 27/11/2023

Introduction

A new functionality “My legal team” has been introduced to CMS. This functionality allows users to create and manage a legal team within CMS.

This “How To” document describes how we can create and manage a “Legal Team” within CMS.

1. The Legal Team in the UPC Case Management System

A Legal team is a group of CMS accounts allowed to work on one case under the responsibility of the authorised representative of the party.

The “*Legal Team*” functionality is available for each party in a case. A legal team can therefore not exist prior to the existence of a main case for the party (Action/Application for measures, etc.).

All members of a team must have an account on the CMS with strong authentication. This is to allow them access to the documents in a case and to undertake tasks. This includes representatives and non-representatives such as legal secretaries.

1.1. Composition Of The Legal Team

The team can include members from different firms. For example, the appointed law firm and a firm of patent attorneys / accountants / party experts.

A team may consist of:

- *Representatives before the UPC* - i.e. accounts listed in the list of representatives before the UPC. A team must consist of at least one representative.
- *Non-representatives*, such as legal secretaries, trainees, etc. Such users can fill in information, visualise and upload documents in a case, etc. However, they cannot lodge documents with the Court.
- *Experts/translators* who have an account on the CMS.
- *One or multiple administrators* (who may or may not be a representative). On the “My Legal Team” section of the CMS it is possible for the administrator to choose which account is an administrator.

1.2. Parties And Their Legal teams

A legal team for a claimant can exist only if there is a case initiated by the same account who wishes to create the legal team. A legal team for a defendant exists only after the representative has confirmed the details of the defendant and the details of the defendant's representative after having accepted service.

The criteria for the availability of a team are as follows:

- **All claimants in a case are represented by the same legal team.**
- Each defendant in a case is represented by one legal team and a legal team represents only one defendant.
- Multiple legal teams composed of the same members can co-exist for different cases.
- The legal team must include at least one member who is registered as a representative before the UPC.

1.3. Characteristics Of The Legal Team

1. All members of the team can see documents in the case and complete tasks except for lodging if the member is not a registered representative. The system automatically assigns the tasks to the account indicated in the "Check CMS Account" section, but the other members of the legal team are able to claim the tasks. The system checks if the account added in the "Check CMS Account" section is registered on the CMS and is a registered representative pursuant to RoP286.
2. All members of a team must have an account on the CMS with strong authentication. This is to allow them access to the documents in a case and to undertake tasks. This includes representatives and non-representatives such as legal secretaries.
3. Only members of a team who are registered as representatives can formally lodge a document on the CMS. This means that members of a team who are not registered representatives can only select the "Review and edit" option in the "Review and lodge" task (the "Lodge" option is not available to non-representatives). To allow flexibility for lodging it is recommended to have more than one representative in a team.
4. The team can include members from different firms. For example, the appointed law firm and a firm of patent attorneys/ accountants/ party experts. It is up to the appointed administrator of the legal team to set up the legal team.

5. In a future release, for each member of the legal team, it will be possible to indicate whether:
 - a) The representative must receive notifications and at which email address.
 - b) The user is the representative or one of the representatives and therefore such user's name will appear in documents created by the CMS.

1.3.1. Team Members Roles

When creating the team for a claimant, the first member of the team is automatically the administrator. The account of the representative indicated in the task *"Representative details"*, under the section *"Legal Team - Check CMS Account"* is also an administrator of the team.

Each member of the legal team has visibility on the procedure in which the respective party is and can view all documents in the case. Each team member can interact with the case - to claim and complete tasks, but only members of a team who are registered representatives can formally lodge a document on the CMS.

NOTE :

To allow flexibility for lodging it is recommended that there should be more than one registered representative in a team.

The legal team includes the first member of the team (the account of the user initiating the main case) and the account indicated by the first member of the team in section *"Check CMS Account"* of the *"Representative's data"* task.

A future functionality will allow each member of the team to specify an additional contact email address at which to receive notifications.

1.3.2. Legal team Administrators

The administrator of the legal team is a member of the team who can modify the legal team. **This is done via the "My Legal Team" section under the "Representation" menu.**

A member of the legal team who is also an administrator can:

- a) Change the internal name of the team.
- b) Add new administrators to the team by granting the administrator's role to other members of the team.

- c) Add case management users to the team (i.e. legal team members).
- d) Remove case management users from the team.
- e) Indicate which of the registered representatives in the legal team must appear in the official documents generated for the case by the CMS. This is a functionality to be available in the future.

2. Procedure To Create A Legal Team

The procedure to create a legal team is different for the party initiating proceedings and for the defendant or respondent in the case.

2.1. Creation Of The Legal Team For The Party Initiating Proceedings

The creation and management of the legal team takes place in phases. The first phase is the initial creation of the team, in the section "Representative data".

The "first member of the team" (who may or may not be a registered representative) may start the action and enter the details required by the CMS. In the "Representative data" task the details of the authorised representative must be entered. Under the heading "Create legal team" the account of the authorised representative must also be added. The CMS will check whether this account is existing on the CMS and that the person is a registered representative.

After completion of the "Create legal team" section the remaining details of the action may be entered on the CMS by each member of the team, after "claiming the task". Thereafter the CMS will automatically assign the task of further details (e.g. "Patent Data") to whoever completed the last task but again the task can be "claimed" by another member of the legal team. This procedure continues until the lodge task of the Statement of claim or other originating proceeding, **which must be done by the authorised representative**.

For the purposes of this guide the main procedure taken as example is an infringement action and the "first member of the team" **is not the authorised representative of the claimant**.

The first member of the team logs on to the CMS, goes to the "Actions" main menu, selects "Infringement action" and presses "Start", as displayed in the figure below:

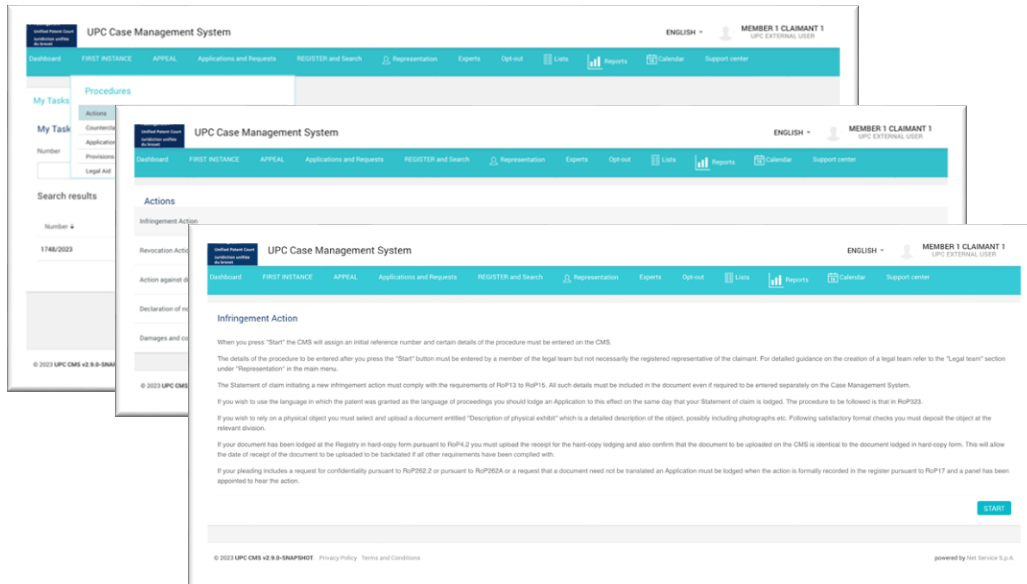


Figure 1 – First member of the claimant’s team starting an infringement action

The infringement action’s main workflow is started, initiating the written procedure and the Statement of claim sub-workflows. The first task to be completed is “Claimants data”. In such task the first member of the team enters one by one all claimants with their respective details.

After completing the Claimants Data task, the “Representative data” task is available for the first member of the team.

The form is composed of three sections: the first pertains to the personal details of the representative, the second one requires the representative’s postal address information and the third one is the so-called “Create legal team” section.

Within the “Create legal team” section three relevant fields are available: “Authorised representative’s CMS account”, “CMS Identifier for the legal team” and “Internal name for the legal team”.

- a) “Authorised representative’s CMS account”: in this field the user must insert the CMS account of the party’s representative (**email address authenticated as a CMS user**). After inserting the CMS Account information (i.e. email address) the user presses the button “Check CMS Account” to verify that the account entered in the field is actually both existing in the CMS and registered as a representative pursuant to RoP286. If the account of the representative is registered as UPC CMS account, the system prompts the name and email associated with such account. Such account is automatically granted the role of administrator of the team.

- b) “CMS Identifier for the legal team” which is automatically provided by the system. The name is composed of the identifier of the proceeding, the role of the party in the proceeding (e. g. “claimant”), and the name of the party (e.g. 1749/2023- CLAIMANT- Claimant 1). This name cannot be changed.

The screenshot displays the 'Representative Data - Statement of claim - Infringement Action - 1749 / 2023' form. The form is divided into several sections:

- Written Procedure:** A dropdown menu showing 'Statement of claim' with sub-options for 'Claimants Data' and 'Representative Data'.
- Representative Data:** A section for entering personal and contact information for the representative. Fields include:
 - First Name: Markus
 - Last name: Braun
 - Company/Firm: (empty)
 - Contact e-mail: markus.braun@netservice.eu
- Postal Address:** A section for entering the representative's address. Fields include:
 - Address: Test Address
 - City: Test City
 - Postcode: 12345
 - Country: United Kingdom
- Create legal team:** A section for creating a legal team. It includes a text box for the 'Internal name for the legal team' with the value '1749/2023- CLAIMANT - Claimant 1'. There is also a 'Check CMS account' button and a 'Authorized representative's CMS account' field with the value 'markus.braun@netservice.eu'.

At the bottom right, there are 'Cancel', 'Save', and 'COMPLETE' buttons. The footer contains copyright information: '© 2023 UPC CMS v2.8.0-SNAPSHOT' and 'powered by Net Service S.p.A.'.

Figure 2 – First member of the claimant’s team entering the claimants’ representative details

- c) “Internal name for the legal team” available for the user to add a custom brief description of the legal team for this case.

The screenshot shows a web form titled "Representative Data - Statement of claim - Infringement Action - 1749 / 2023". The form is divided into several sections: "Personal details" (First Name: Markus, Last name: Braun, Company/Firm, Contact e-mail: markus.braun@netservice.eu), "Postal Address" (Address: Test Address, City: Test City, Postcode: 12345, Country: United Kingdom), and "Create legal team". The "Create legal team" section includes a text box for the "Authorized representative's CMS account" (markus.braun@netservice.eu), a "Check CMS account" button, a "Name" field (Markus Braun), an "E-mail" field (markus.braun@netservice.eu), a "CMS identifier for the legal team" field (1749/2023 - CLAIMANT - Claimant 1), and an "Internal name for the legal team" field (Claimant 1, Claimant 2 - Braun,Wood). The form also includes a "Check CMS account" button and a "Create legal team" button. The bottom right corner has "Cancel", "Save", and "COMPLETE" buttons.

Figure 3 – First member of the claimant's team adding the representative to the legal team and choosing an internal name for the team

When all fields have been compiled the user can either cancel, save or press the “Complete” button to continue the procedure. Once the “Representative Data” task is completed, the legal team for the claimant(s) is created including two members.

The first members of the team are the administrator of the legal team.

The user can now check the composition of the legal team for the infringement action. See below “My Legal Teams”.

2.2. Creation Of The Legal Team For The Defendant / Respondent

The legal team of the defendant always consists initially only of the authorised representative who has accepted service on behalf of the defendant.

The procedure for creating the legal team is the same as the one described for the creation of the legal team of the claimant.

No. ACT_1749/2023 UPC_CFI_283/2023

Actions menu

Related Proceedings Calendar

Infringement Action

Written Procedure

Statement of claim

Panel

Service on Generic Pharma Ltd.

Service on Generic Pharma S.p.A.

Defendant Data Generic Pharma Ltd.

Party's Details

Representative Data

Overview Patents Personal details Judges Documents Procedural Data

Representative Data - Defendant Data Generic Pharma Ltd. - Infringement Action - ACT_1749/2023

* indicates required data
Data available in precompiled fields is retrieved from user profile and company data

First Name * Johann

Last name * Gruen

Company/Firm Generic Pharma

Contact e-mail * johann.gruen@netservice.eu

Postal Address

Address * Green Road

City * Bruxelles

Postcode * 01234

Country * Belgium

Create legal team

The first step in the creation of a legal team is to enter below the email address in the CMS account of the authorised registered representative who has accepted service on behalf of the defendant and click on "Check CMS account". The CMS will automatically create a unique identifier for the legal team which will be needed to access the team via the main menu and to manage its membership. This identifier cannot be changed. Enter an internal name of your choice for the legal team. This may be changed.

Authorised representative's CMS account * johann.gruen@netservice.eu

Check CMS account

Name: Johann Gruen
E-mail: johann.gruen@netservice.eu

CMS identifier for the legal team * ACT_1749/2023 - DEFENDANT - Generic Pharma Ltd.

Internal name for the legal team * Generic Pharma Ltd. - Gruen, CC

Cancel Save COMPLETE

Figure 4 – Initial member of the defendant's team is the authorised representative who has accepted service

3. My Legal Teams

The full list of an account's legal teams is accessible under the section "Representation" of the main menu, in the "Legal teams" sub-section, by selecting "My Legal teams".

Representatives who have pending case before the UPC will be able to manage their legal team (see section 4 below) on said pending cases by adding additional members of the team and granting, as needed, administrator's role.

UPC Case Management System

ENGLISH MEMBER 1 CLAIMANT 1
UPC EXTERNAL USER

Dashboard FIRST INSTANCE APPEAL Applications and Requests REGISTER and Search Representation Experts Opportunities Lists Reports Calendar Support center

No. 1749 / 2023

Actions menu

Infringement Action

Written Procedure

Statement of claim

Claimants Data

Representative Data

Patent Data

Overview Personal details

Proceeding number

Proceeding Type

Documents

Procedures relating to representatives

Access CMS Cases

Legal teams

My legal teams

Guidance on legal teams

Application for registration as a Representative before the UPC - Article 84 of the Agreement on a Unified Patent Court (EU/126)

Application to remove a representative's name from the list of representatives (EU/294)

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Figure 5 – Accessing the legal teams

For each legal team the “CMS Identifier for the legal team” and the “Internal name for the legal team ” are listed. By pressing the button “View” a pop-up window opens, displaying the detail view of the legal team characteristics and its members with their respective roles

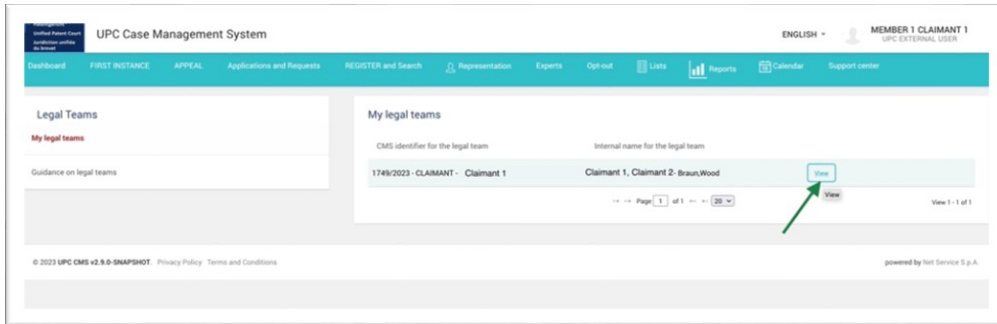


Figure 6 – Opening the legal team detail

3.1. Legal Teams Detail View

The legal team detail view displays the identifier and the internal name of the legal team and the list of all team members.

It also allows the management of the legal team by the administrators.

For each team member the applicable role is displayed by an icon. A member can be a registered representative, an administrator or both.

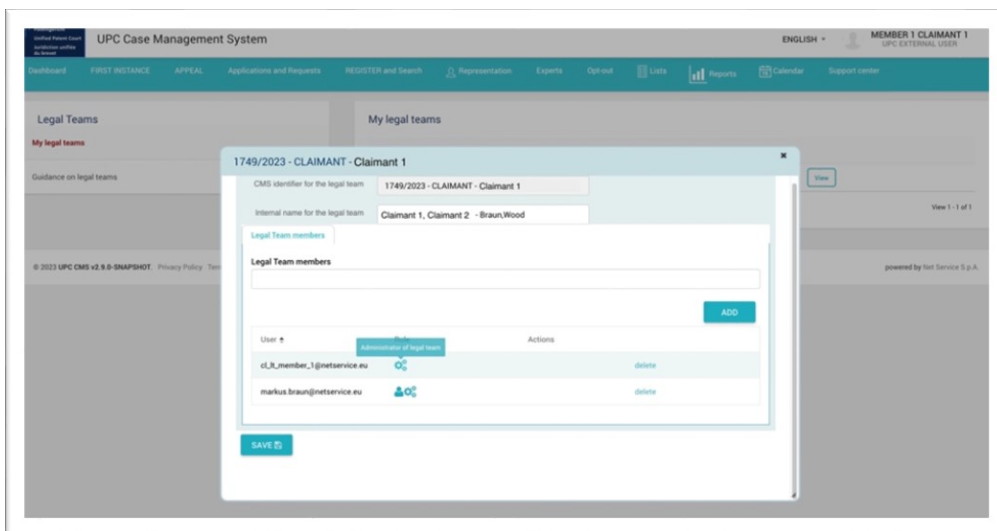


Figure 7 – Legal team detail view

To close the legal team detail view, click on the close (X) button in the top right corner of the pop-up window.

4. Management of the Legal Team

The “Legal team” detail page allows members of the team to be added and removed and specific functionalities to be allocated (e.g. further registered representatives may lodge and a future functionality will allow the administrators to identify certain members of the team who will not receive emails as the procedure progresses).

This functionality is managed by members of the team who have been designated as administrators.

4.1. Adding and removing members

To add a member to the team, from the Legal team detail view an administrator of the team must proceed as follows:

1. Enter the CMS account email of the person to be added to the legal team as new member.
2. Press the “Add” button.
3. Press the “Save” button.

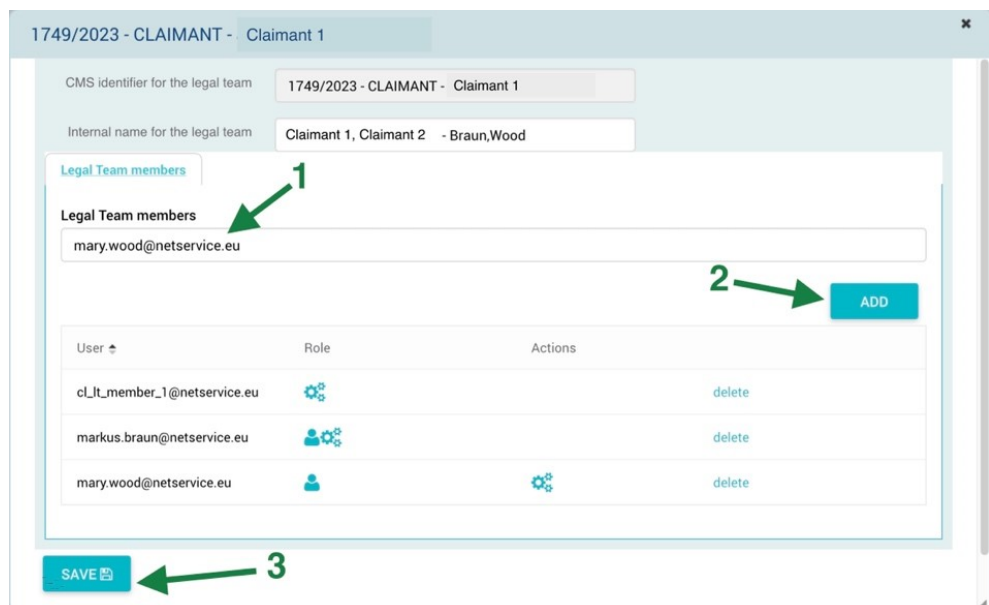


Figure 8 – Adding a member to a legal team

To **remove a member** from the team an administrator of the legal team must proceed as follows:

1. Locate in the list the member to be removed from the team
2. Click on the “delete” link corresponding to the member to be removed
3. Press the “Save” button.

4.2. Granting and Withdrawing The Role Of Administrator

In order to **grant the role of the administrator** to a member of the legal team, from the Legal team detail view an administrator of the team must proceed as follows:

1. Locate in the list the member to be granted the role of administrator,
2. Click on the “administrator” role icon (cog icon) in the “Role” column corresponding to the member to be granted the role,
3. Press the “Save” button.

In order to **remove the role of the administrator** to a member of the legal team, from the Legal team detail view an administrator of the team must proceed as follows:

1. Locate in the list the administrator of the team to whom the role of the administrator must be removed,
2. Click on the “administrator” role icon (cog icon) in the “Actions” column corresponding to the member to whom the role of the administrator must be removed,
3. Press the “Save” button.

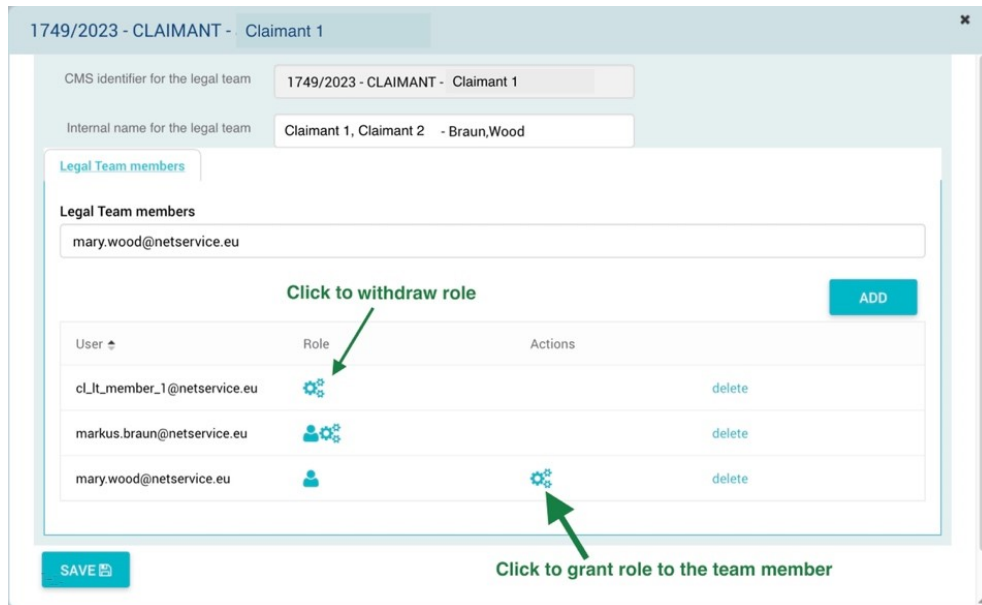


Figure 9 – Granting and withdrawing the role of administrator

5. Guidance Available On The CMS

When logged in the CMS, the guidance to the criteria for creating legal teams is accessible under the section “Representation” of the main menu, in the “Legal teams” sub-section, by selecting “Guidance for the creation of legal teams”.