



Presidium of the Unified Patent Court

Rules of Procedure of the Presidium of the Unified Patent Court

29 November 2022

DECISION OF THE PRESIDIUM OF THE UNIFIED PATENT COURT OF 29 NOVEMBER 2022

ON THE

RULES OF PROCEDURE OF THE PRESIDIUM OF THE UNIFIED PATENT COURT

Article 1

Composition and Term of Office of the members of the Presidium

- 1) The Presidium shall be composed of the President of the Court of Appeal, who shall act as Chairperson, the President of the Court of First Instance, two judges of the Court of Appeal elected from among their number, three judges of the Court of First Instance who are full-time judges of the Court elected from among their number, and the Registrar as a non-voting member.
- 2) The members of the Presidium to be elected shall be elected in accordance with Art. 15 (1) of the Statute of the Unified Patent Court for a term of three years. The members of the Presidium may be re-elected.
- 3) In case a member of the Presidium is permanently prevented from exercising his or her duties due to waiver of immunity, end of his or her duties or removal from office or other, a substitute member shall be elected in due time in accordance with Art. 15(1) of the Statute of the Unified Patent Court for the rest of that member's term.

Article 2

Deputising for the Chairperson and members of the Presidium

- 1) The Chairperson and each member of the Presidium shall designate a permanent deputy who shall represent the Chairperson or a member in case of their absence. Each member may only represent one other member of the Presidium except in exceptional circumstances referred to in Art. 3 (1).
- 2) Deputies shall be chosen among other members of the Presidium from the same Instance.

- 3) Members of the Presidium shall notify the Chairperson about their absence in order to ensure that this can be considered when organising meetings or launching written procedures.
- 4) The Registrar shall be deputised by the Deputy-Registrar in case of his or her absence.

Article 3

Decisions of the Presidium

- 1) Decisions of the Presidium shall be taken at meetings or via written procedure by simple majority. All decisions shall be taken by at least four members of the Presidium. As a rule, at least two members of each Instance shall be present. In exceptional circumstances of extreme urgency only, a member of the Presidium may represent two other members of the Presidium of his or her Instance not being present. Whether such circumstances are present is to be decided by the Chairperson or his or her deputy, after consulting the other members of the Presidium as much as feasible.
- 2) Proposals for decisions shall be submitted to the Presidium by the Chairperson or by one or several of its members at the latest one week before the meeting of the Presidium.
- 3) Voting at meetings shall be taken by show of hands. However, at the request of at least one of the members a secret ballot shall be held. Votes may be taken electronically, regardless of whether or not the vote is taken by secret ballot.
- 4) The member chosen by the Chairperson (President of the Court of Appeal) or the President of the Court of First Instance as deputy shall also represent the Chairperson or the President of the Court of First Instance in all other functions as Acting President of the Court of Appeal or as Acting President of the Court of First Instance.

Article 4

Meetings of the Presidium

- 1) Meetings of the Presidium shall be convened by the Chairperson on his or her own initiative or at the request of at least two of its members. Such requests shall indicate the items to be discussed. In case of a request of at least two members of the Presidium, the meeting shall take place as soon as practicable.
- 2) Meetings may take place onsite with the members being present physically, or online. In case of onsite meetings, the online participation of individual members who have impediments attending onsite, shall be made possible unless the Chairperson decides in the invitation that an item of the agenda requires onsite participation of all members of the Presidium.
- 3) Onsite meetings can take place at the Court of Appeal, at the seat or section[s] of the central division, at one of the local or regional divisions or at any other location which is deemed appropriate.
- 4) Except in case of urgency (e.g., decisions under Article 7.5 of the Statute of the Unified Patent Court) the date, time and, in case of onsite meetings, the location, of a meeting shall be communicated two weeks in advance.
- 5) The meetings of the Presidium shall be confidential and all members shall respect their confidential character.

Article 5

Agenda, documents for and minutes of meetings

- 1) The draft agenda, proposals for decisions and other documents for the meeting shall be drawn up by the Chairperson, unless such proposals or documents are put on the draft agenda at the request of one or several of the members of the Presidium. Any member of the Presidium may request to add further items to the draft agenda. The first draft agenda and proposals for decisions or other documents shall be communicated two weeks in advance for consideration at the meeting.

- 2) The final draft agenda shall be communicated to the members of the Presidium at least 5 calendar days before each meeting unless urgency requires a shorter deadline. Requests to add further items by one or several member(s) of the Presidium shall be communicated to the other members of the Presidium at least 10 calendar days before each meeting together with relevant documents. The final agenda shall be adopted by the Presidium at the beginning of each meeting.
- 3) With the agreement of a simple majority of the Presidium, urgent questions may be added to the agenda at any time before the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.
- 4) The Chairperson or a member of the Presidium who was invited by the Chairperson to that effect shall draw up minutes recording the names of the members of the Presidium present or represented and a summary of decisions taken at each meeting. After approval of the Presidium, decisions taken in each meeting shall be published on the website of the Court with the exception of decisions on items which the Presidium decides to be confidential.
- 5) The Chairperson shall be assisted in the tasks mentioned by a member of the staff of the Court designated by the Chairperson, who will provide secretarial support to the Presidium.

Article 6

Written Procedures

- 1) Matters of routine or daily business may be decided by written procedure.
- 2) A written procedure shall be launched by the Chairperson or in case of his or her absence by his or her Deputy, on his or her own initiative or at the request of one or several of the members of the Presidium.
- 3) With the launch of every written procedure the deadline for replies shall be communicated which should normally be at least 4 calendar days, unless urgency requires a shorter deadline.
- 4) Failure to reply to a written procedure within the deadline shall be considered as consent to a proposal for decision. Such failure shall only be considered as consent if the respective

member has been reminded at least once to that effect. A proposal submitted for voting by written procedure may not be amended; it shall be approved or rejected in its entirety.

Article 7

Repartition of tasks within the Presidium

- 1) Notwithstanding its collective responsibility, the Presidium can decide to delegate certain tasks to one or several of its members.
- 2) The Presidium can also decide to entrust one or several of its members with the elaboration of documents and proposals for decisions.
- 3) Where necessary the Chairperson shall designate one or several members of the staff of the court to assist the members of the Presidium with such tasks.

Article 8

Amendments and Entry into force

- 1) The Presidium may amend these Rules of Procedure.
- 2) These Rules of Procedure enter into force on 29 November 2022.

Done at Luxembourg on 29 November 2022

For the Presidium

The Chairperson