

## **Patent Mediation and Arbitration Centre of the Unified Patent Court**

### **Letter of invitation to participate in the public consultation process**

To whom it may concern

The Unified Patent Court (hereinafter: UPC) is a specialized court for patent litigation, currently common to eighteen EU Member States in which the Agreement on a Unified Patent Court (hereinafter: UPCA) is in force. The UPC has exclusive jurisdiction over disputes concerning European and Unitary patents. Pursuant to Article 35(1) UPCA, the Patent Mediation and Arbitration Centre (hereinafter: the PMAC) is established as an integral part of the UPC, designed to offer support in amicable settlement of disputes relating to European and Unitary patents. The purpose of this public consultation is to gather feedback on the draft regulatory framework governing the procedures at the PMAC to ensure it is aligned with the needs of its users.

The existing legal framework governing the PMAC is outlined across several provisions and codifications. Key components include Articles 35, 39, 52 and 79 UPCA, Rules 11 and 365 of the Rules of Procedure of the Unified Patent Court (hereinafter: RoP UPC), and the Rules of Operation of the Mediation and Arbitration Centre (hereinafter: PMAC RoO). Pursuant to Article 35(3) and (4) UPCA, the PMAC is mandated to establish its own rules of mediation and arbitration and to draw up a list of mediators and arbitrators.

According to Rule 8 PMAC RoO, the Centre comprises four key organs: the Director, the Administrative Committee of the UPC, the UPC's Budget Committee and the Auditors, and the Expert Committee.

The Administrative Committee is responsible for adopting the rules of mediation and arbitration and other important bylaws of the PMAC as well as accepting the criteria and qualifications for arbitrators and mediators (Rule 10(2) PMAC RoO).

The initial draft Mediation Rules and draft Arbitrations Rules were prepared as early as 2015 and 2016. Since then, both documents underwent substantial revision by the Expert Committee. This revision of the regulatory framework was informed by various benchmarking documents that reflect best regulatory practices from comparable institutions worldwide. These benchmarking documents shall be considered an integral part of the public consultation process.

Following extensive work on the overarching regulatory framework, necessary to ensure the PMAC's operational readiness, the Expert Committee at its meeting held on 8 April 2025 in Ljubljana, Slovenia, unanimously approved the draft Mediation Rules and resolved to initiate a public consultation process concerning this Rules. Please note that

the draft Mediation Fee Schedule, which is a separate document has not yet been finalized.

The draft Mediation Rules together with supporting benchmarking documents, are available to interested stakeholders on the official website of the UPC: <https://www.unified-patent-court.org/en/court/patent-mediation-and-arbitration-centre>.

The primary objective of the public consultation process is to ensure the highest possible quality of the PMAC's regulatory framework by obtaining feedback from a broad range of stakeholders. These include governments and other public policy makers, professional associations, entities active in the field of intellectual property across both the public and private sectors, as well as prospective end users of the PMAC's services and their representatives.

All interested stakeholders are cordially invited to submit their comments, observations, or suggestions concerning the draft Mediation Rules in the form of proposed amendments to the draft document, accompanied by explanatory notes outlining the rationale for the suggested amendments.

The Expert Committee will consider all proposals concerning the draft Mediation Rules, provided such proposals are received **no later than 21 July 2025**.

**Comments and proposals should be submitted by email to the following address:**  
[contact-pmac@unifiedpatentcourt.org](mailto:contact-pmac@unifiedpatentcourt.org)

Following a comprehensive review of all proposals received, the Expert Committee will prepare revised draft Mediation Rules for consideration by the Advisory Committee of the Administrative Committee. Based on the opinion of the Advisory Committee, the Expert Committee will then submit the final drafts to the Administrative Committee for formal adoption.

The overall procedure for the adoption of the PMAC's regulatory framework requires strict adherence to the deadlines for completion of the public consultation process, in order to ensure that the PMAC becomes fully operational by the beginning of 2026.

Please be advised that the public consultation process concerning the draft Arbitration Rules is expected to begin by the end of May.

**Aleš Zalar**

Director of the Patent Mediation and Arbitration Centre

Phone: (+386) 41 672 982

E-mail: [ales.zalar@unifiedpatentcourt.org](mailto:ales.zalar@unifiedpatentcourt.org)