

UNIFIED PATENT COURT PREPARATORY COMMITTEE

To:

The Rt. Hon. Professor Sir Robin Jacob

President of the Association of judges in Intellectual Property;

Thierry SUEUR

Chairman of the Business Europe Working Group on patents;

Christian Gassauer-Fleissner

President of EPLAW;

Tony Tangena

President of EPI

E-mail transmission only

27 March 2013

Dear sir,

Ref: Establishment of the Preparatory Committee of the Unified Patent Court

We would like to inform you of the establishment of the Preparatory Committee which will be responsible for the setting up and coming into operation of the Unified Patent Court and let you know how the Committee intends to proceed.

You may recall that it was the wish of the Signatory States that a Preparatory Committee, composed of their representatives should be set up without any delay. Following discussions in the Friends of the Presidency group (patents) the Signatory States agreed on how to proceed with the setting up of such a Committee. The Coreper was informed accordingly and for your convenience we attach the document that was brought to the attention of Coreper (DOC. 7265/13).

The Preparatory Committee subsequently held its inaugural meeting on 26 March 2013. The meeting took place at the premises of the French Permanent Representation to the European Union in Brussels. In this meeting we were elected Chair and Vice-chair of the Preparatory Committee by consensus. The secretariat of the Committee will be held by Mrs. Eileen Tottle (UK).

One of the first tasks of the Preparatory Committee will be to fix a roadmap for the early establishment and coming into operation of the Unified Patent Court. There was agreement amongst the participants that the tasks to be carried out are those contained in annex II to the attached document and that these should serve as a basis for the roadmap. It was also agreed that early 2015 would constitute a realistic target date for the entry into operation of the Unified Patent Court.

The Preparatory Committee identified several areas of work for each of which coordinators were appointed. These coordinators shall organize the work in the areas for which they are responsible and report to the Committee about the progress. The following areas have been identified:

- Legal framework;
- Financial aspects;
- IT
- Facilities;
- Human resources and training.

For each area project teams shall be formed in which the Signatory States shall be able to contribute and concentrate their expertise in the relevant fields of competence.

The Preparatory Committee considers it to be of vital interest that stakeholders will be actively involved in the work of the Committee. Input from industry, patent judges and practitioners will be needed throughout the process, both at the expert level of the project teams and at a more general level. This will be realised through formal as well as informal consultations and dialogue sessions. An important instrument for communication will be the Committee's website which will be developed shortly.

Priority shall be given to a broad consultation on the Rules of Procedure amongst interested circles. The Committee will do so in close cooperation with the expert group that has worked intensively on a draft set of rules. Details about the consultation will be communicated in due time. Let us assure you, input from stakeholders is of utmost importance to the Committee especially on this essential element of the Committee's work and a sufficient amount of time will be given.

The Preparatory Committee aims at having its second meeting at the end of May, early June. Then we intend to i.a. establish a Roadmap for the preparatory work and the composition and planning of the project teams. We also aim at agreeing on a communication policy for the Committee. By then, we hope to have made substantial progress in organising the consultation on the Rules of Procedure as well.

We understand that many questions about the work of the Preparatory Committee still remain, but ask for your understanding that not everything can be answered on the Committee's second day of existence. However, in the near future things will take firmer shape and we will be happy to inform you on future developments shortly. We hope that you can become a partner of the Committee in making the Unified Patent Court a success for the European patent system and look forward to working with you on this important and challenging project.

Yours sincerely,

Paul van Beukering
Chair of the Preparatory Committee

Alexander Ramsay
Vice-chair of the Preparatory Committee

Attachment:
Council document 7265/13