

Kluwer Patent Blog

Internships for candidate judges Unified Patent Court in UK, Germany, France and the Netherlands

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As part of their training, the first group of some 25 candidate Unified Patent Court (UPC) judges will follow internships at specialized patent courts, such as those in the UK, Germany, France and the Netherlands. Paul van Beukering, Chairman of the Preparatory Committee for the UPC, told Kluwer IP Law that various options are currently under investigation at courts in these four countries.

The potential judges will begin their training in the first quarter of 2015. According to the Preparatory Committee Roadmap, the candidate judges were supposed to have started their training at the end of 2014, but this was subsequently postponed.

Apart from courses on patent law and patent litigation (offered in part by the European Patent Office), internships at specialized courts are seen as crucial for the quality of the decisions of future UPC judges from countries with little experience in the field of patent litigation.

The UPC training centre in Budapest is in charge of organizing the training program. 'But this doesn't mean candidates will always have to travel to Hungary. Much can be done at home, which is important for those candidates that have to combine their training with their current jobs', Van Beukering explained. Before they begin, their English proficiency will need to be tested in some way. 'We are working on a practical way to do so.'

The Preparatory Committee is also looking at ways to establish a transitory phase between the 13th ratification – required for the UPC to start functioning – and the moment the Court actually commences taking in cases.

In this transitional period, financial and organizational issues can be taken care of and all that has been developed in the preparatory phase will be formalized. Also, patent holders will be given the possibility to opt-out on patents that they believe should not fall under the jurisdiction of the Court.

'The Vienna Convention on Diplomatic Relations gives us some tools to establish this transitory phase, but it is an area that is largely unexplored', Van Beukering said. He expects the Preparatory Committee will resolve this issue in the beginning of next year.

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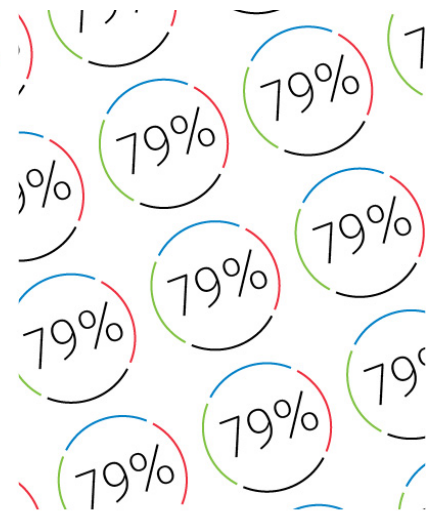
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