

Kluwer Patent Blog

Patent Attorneys, Democracy and the UPC

Thorsten Bausch (Hoffmann Eitle) · Tuesday, April 8th, 2025

A famous joke that must now be over 30 years old quips about the strength of the (German) patent attorney profession: „If all German patent attorneys and their families decide to settle in a single place, they would not even win the communal elections in Miesbach.“ [Miesbach](#) is a small town in pretty Upper Bavaria, close to the alps, and has a population of about 12,500 – this is all you need to know to understand the joke.

On a larger scale, the proportions are not much different. The Institute of Professional Representatives before the European Patent Office ([epi](#)) count about 14,400 members from 39 EPC Contracting States as their members. The EU has a population of 449.2 million. Add to this 85 million Turks, 9 million Swiss, 5 million Norwegians, about 70 million Brits, Scotch and Welsh, and about 11 million people from non-EU Balkan states, Iceland, Liechtenstein etc., and you will end up in a population of about 640 million inhabitants of „EPC territory“. That makes a European Patent Attorney fraction of a whopping 0.00225%.

Nonetheless, (even) patent attorneys have good ideas from time to time and they play an important role in the international patent system. It may therefore make sense that they occasionally get together from time to time to discuss matters of common interest, sing from the same hymn sheet and make themselves heard by the national legislators, the Administrative Council of the EPO and also in supranational organisations such as WIPO and the UPC. While probably all patent attorneys will know [epi](#) and their national „Kammer“ (DE) / „Compagnie Nationale“ (FR) / „Chartered Institute“ (GB), „Ordine“ (IT) etc., i.e. their respective bar associations, some readers of this blog may not yet know that there is also an organisation representing the interests of national and European Patent Attorneys before the UPC. This is the European Patent Litigators Association, or in brief [EPLIT](#).

EPLIT is the association for European Patent Attorneys who may act before the Unified Patent Court (UPC), national courts and in inter partes proceedings at the European Patent Office (EPO). Most of EPLIT's members meet the requirements to qualify as representatives before the UPC. However, other legal practitioners, such as Attorneys-at-Law or nationally qualified Patent Attorneys, may also become EPLIT members.

In my humble view, the patent attorney profession owes a good deal of gratitude to EPLIT, since they were instrumental in developing the Rules governing the European Patent Litigation Certificate, which allowed ‚grandfathers‘ relatively easy access to the new Unified Patent Court.

- As a digression, you may ask: why did I write „relatively“ easy only? The sole reason is the –

well ... peculiar – Case Management System (CMS), with which the Court started (or tried to start) and which does not make access to the UPC easy. Fortunately, this elaborate system is currently being completely overhauled and I have heard that the new CMS will offer a much better access for representatives via 2FA (two factor authentication), so I would hope that the abhorrent and expensive smartcards by trusted providers will soon be history. End of digression.

However, every democratic and professional organisation depends on people who are committed to it. Given that the number of (European) Patent Attorneys is small, the fraction thereof that actually litigates cases before the UPC is even smaller, and only a fraction of the latter actually engages in a professional organisation, you might not be overly surprised that the atmosphere within EPLIT is relatively familiar. This means that not much time is wasted on internal membership issues, statutes or the like, and one can get to the point quickly. And it also means that if you have a suggestion how the UPCA and its many rules and by-laws could be further improved, you have a good chance that your proposal will be discussed and taken on board quickly. This may help to amplify your voice and make sure that your proposal will be brought before the UPC's Administrative Committee by an effective professional organisation. Namely, EPLIT has been admitted as an observer organisation pursuant to Article 5(7) of the Administrative Committee's Rules of Procedure, together with other, much larger organisations such as epi, EPLAW and BusinessEurope.

EPLIT holds annual conferences in Europe's beautiful (patent) capitals. The next one will take place in Amsterdam on April 24/25, 2025 and offer, amongst other things, a UPC mock trial with two real UPC judges on the panel (Kai Harmand, LQJ Nordic Baltic LD, and Bernard Ledeboer, TQJ). The mock trial will be analyzed on day 2. In addition, presentations will be given by Alexander Ramsay (UPC Registrar), Emmanuel Gougé (UPC Court of Appeal, CEIPI Patent Litigation Diploma Director), Bernhard Müller (EPO Enlarged Board of Appeal), Dick van Engelen (Attorney-at-law, Ventoux, Maastricht University Professor), and a number of seasoned European Patent Attorneys (Tilman Pfrang, Christian Köster, Grégoire Desrousseaux, Ben Chapman, Michael Wallinger, and Rob Jackson).

Thus, if you would like to learn more about the new UPC CMS, UPC case law updates and the interaction between UPC and EPO proceedings, I recommend that you register [here](#). By the way, EPLIT Membership fees are nominal (250€/year) and their conference fees (600€) are also very reasonable relative to the value provided, see above.



We live in interesting times while I am writing this blog. But I think it can never be wrong to engage in a democratic organisation, liaise and discuss with other people with whom you may have common interests, and make your voices heard. Don't take democracy and a functioning Rule of Law for granted.

As always, Goethe had the best words for this, so let me conclude with his famous quote from

Faust I:

Was du ererbt von deinen Vätern hast,
Erwirb es, um es zu besitzen.
Was man nicht nützt, ist eine schwere Last,
Nur was der Augenblick erschafft, das kann er nützen.

What you have inherited from your fathers,
Acquire it in order to possess it.
What one does not use is a heavy burden,
Only what the moment creates, it can use.

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A promotional banner for a survey report. The background is dark with a glowing blue and red digital circuit pattern. A gavel is positioned in the center, resting on a glowing blue padlock. The text is white and blue. The title '2024 Future Ready Lawyer Survey Report' is at the top left. Below it, the main headline reads 'Legal innovation: Seizing the future or falling behind?'. A blue button with white text says 'Download your free copy →'. The Wolters Kluwer logo is at the bottom left. On the right, there are two logos: 'FR Future Ready' and 'LAWYER'.

2024 Future Ready Lawyer Survey Report

**Legal innovation:
Seizing the
future or
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