

**Inauguration of the Training Centre for future judges
of the Unified Patent Court,**

Budapest, 13.3.2014

Opening address from President Battistelli

- Mr Tibor Navracsics, Deputy Prime Minister, Minister for Public Administration and Justice
- Mr Zoltán Cséfalvay, Minister of State of the Ministry of National Economy
- Mr President of the Hungarian IP Office, dear Miklos
- Mr President of the OHIM, dear Antonio
- Ambassador Varelhy
- Mr Paul Van Beukering, Chairman of the Preparatory Committee for the UPC

Ladies and Gentlemen,
Dear guests,

- Today is a very special day for European cooperation in the patent field. The work that was started 30 years ago – when the first meetings of European patent judges were held – is entering a new phase.
- These 30 years have brought us a long way forward with many biannual "Judges' Symposia" and more recently the "Judges' Forum" in Venice. But the goal - the common European Patent Court – always seemed far away.
- And nevertheless, today, we gather here in Budapest to celebrate the inauguration of the first institutional embodiment to be set up under the Agreement on a Unified Patent Court – the training centre for the Court's future judges.
- I would like to take this opportunity to warmly congratulate the Hungarian authorities for their active involvement in the preparation of this major project. The Training centre is indeed the first concrete piece already in place only one year after the signature of the Treaty in February 2013. It represents an important signal to the users community which is expecting now a rapid implementation of this long awaited project.
- The Training Center is to carry out the first, and perhaps the most important, task of member states' common endeavour : the training of the judges who will be appointed to the UPC.
- Needless to say, the European Patent Office is ready to assist the Center in its challenging task. Already in the past, the Office has been keen to bring Europe's patent judges together. You may ask why? "Why should a patent granting administration be so keen to organise meetings of judges"? Let me look back for a short while.

- 40 years ago – October 1973 – signature of the European Patent Convention represented a major landmark in the history of intellectual property in Europe.
- Its significance can hardly be overstated, as the culmination of the efforts to establish a transnational patent system in Europe, granting patents that would be valid throughout the participant countries, on the basis of a centralized procedure with a single set of rules.
- But the European Patent Convention did more than just establish a single patent granting procedure. The EPC also laid down provisions which apply to any European patent during its life after grant. Crucial provisions of substantive patent law – such as the scope of protection and the grounds for revocation – were harmonised in the EPC.
- And ever since, in the national courts in all European States, judges are applying these harmonised provisions whenever they deal with the infringement and the validity of a European patent. But even fully harmonised statutory provisions will not achieve full convergence.
- It is no secret for anybody that when national courts start to apply the law, different approaches will inevitably develop –not to speak about divergences resulting from the huge differences in procedural law in the national systems.
- To achieve full convergence, it is necessary to go beyond the harmonisation of statute law.
- During all these years – "while we were waiting" – meetings of patent judges have been an eminently practical interim alternative to the creation of a common patent court which has taken so long to materialize. It is on this fertile ground that the new Training Center here in Budapest must now grow.
- The aim is nothing less than to further develop a truly European mindset among Europe's patent judges. I have no doubt that the combined efforts of member states and Europe's best patent judges will allow this endeavor to come to fruition. If you succeed, you will endow the Unified Patent Court with the best cards to carry out its mission : over time accomplish the harmonisation of patent law in Europe.
- So, let me address all my best to this new Center, and express the hope that it will fulfill the expectations of all those who have been eagerly waiting for this moment for so long.
- Thank you for your attention
