



Europäisches  
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des brevets

# The European Patent Academy and its Judicial Training initiatives



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Budapest, 14 March 2014

# European Patent Academy

- **Who we are**

- since 2004
- external training arm of the EPO
- institution of the EP **Organisation**

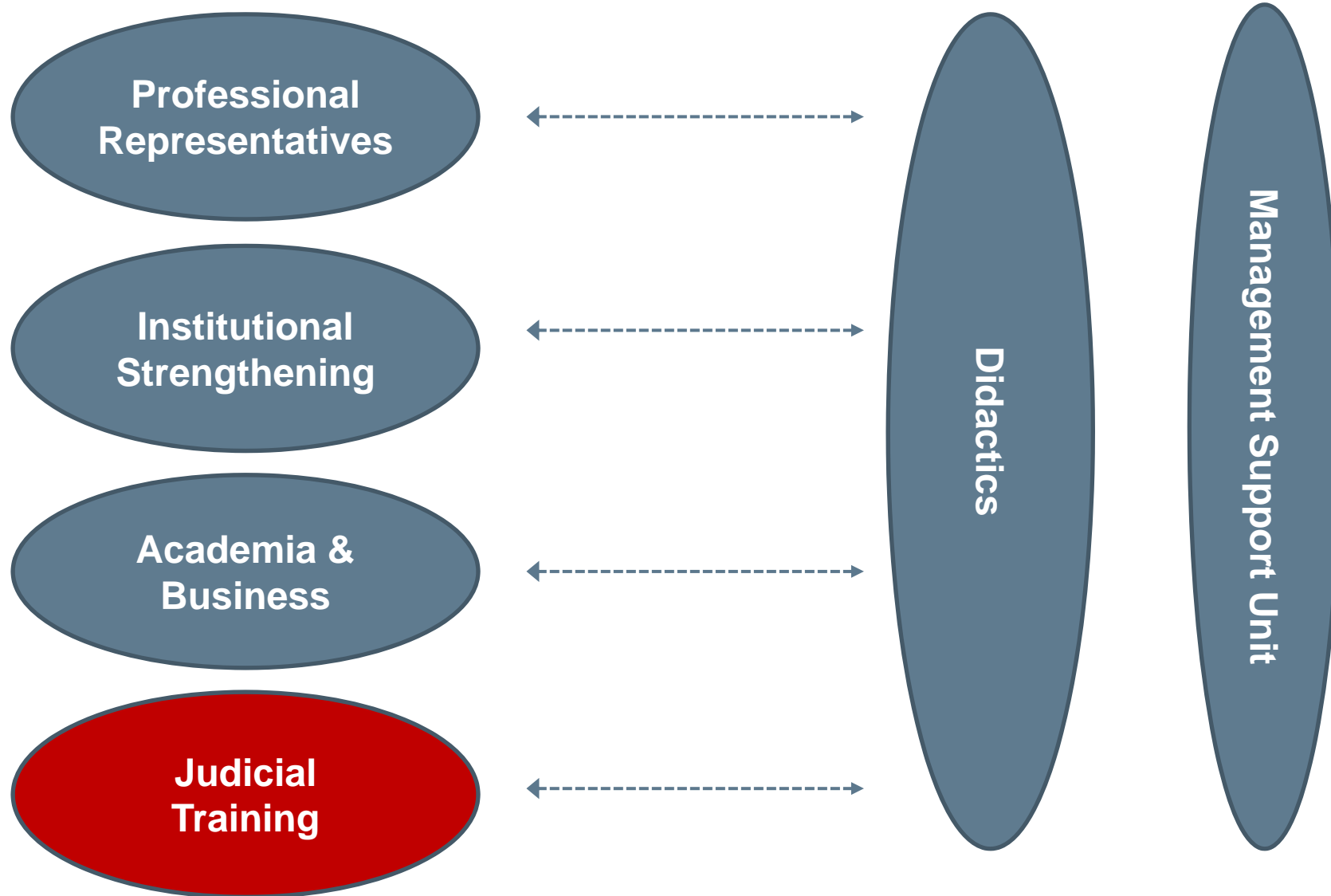
- **Mission**

**Promote and support education and training in the patent-related Intellectual Property (IP)**

- **Overall Objectives**

- foster development and harmonisation of IP training
- promote **equal access** to IP training opportunities in all MS
- improve expertise and skills of the patent system users

# European Patent Academy



# Aims of the Judicial Training Unit

- Support & develop training initiatives aimed at harmonising patent enforcement and litigation practice in Europe
- Establish basic standards of patent awareness and knowledge amongst judiciary in EPC contracting states
- Trained over 400 judges from 38 EPC member states
  - many judges attend several events
- Training aimed at judges sitting in courts competent to hear IP/patent cases

# Overview of training initiatives

- Study visits
- Seminars and workshops
- Internships
- eLearning
- Other initiatives

# Study visits to the EPO

- 3-day visit to EPO
- small groups (10-20 judges), mixed nationalities
- different levels:
  - **standard** programme = basic introduction:
    - Day 1: Introduction to the EPO, patentability requirements, case study
    - Day 2: Introduction to the Boards of Appeal, other issues related to patents e.g. scope of protection (art. 69 EPC), preparatory session for oral proceedings
    - Day 3: Attendance to oral proceedings followed by Q&A session with Board.
  - **advanced** level:
    - dealing with specific topics of interest
    - usually ad hoc requests by courts in member states

# Seminars and workshops

- "IP training for national judges" series
- held in different member states, also on request
- seminar series, with different levels
  - **introductory:**
    - Introduction to patents and IP, scope of protection (Art. 69 EPC), case study, issues relating to patent infringement, defences, mock trial on issues discussed
  - **intermediate:**
    - workshop format; selected topics discussed at length and with country comparisons, mock trial
    - can also be on a specific issue: e.g. seminar on pharmaceutical inventions
  - **expert:**
    - by invitation only
    - topics selected by hosts, different national approaches, debate
- frequently combine study visits & seminars to provide a “rounded” offer

# Judicial Internships at the EPO Boards of Appeal

- launch in 2012
- 6 judges are selected (extensive application form)
- spend one month at the EPO:
  - 1 week - intensive training on patentability requirements
  - 3 weeks - shadowing Board of Appeal
  - visits to District Court Munich, Federal Patent Court, other lectures of interest
  - final "assessment": mock oral proceedings

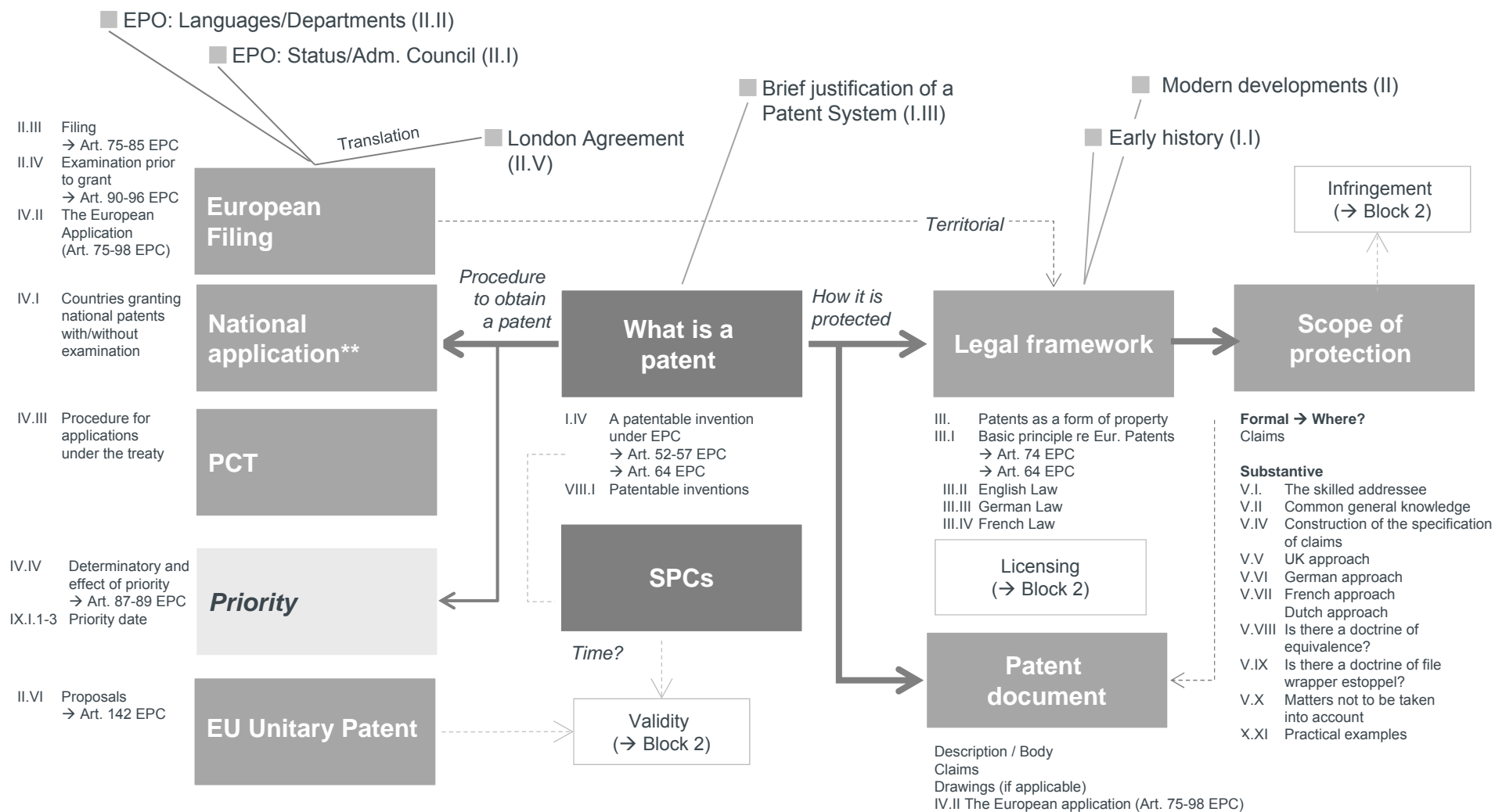


# eLearning

- variety of **online modules** available on EPO website
  - patentability (modules for other target groups)
  - videos of lectures from seminars/conferences
  - specifically for judges:
    - Scope of protection
    - Prior user rights
    - Implementing the Enforcement Directive
    - Mock trial (Krakow seminar 2012)
  - and much more... see [www.epo.org/learning-events/e-learning.html](http://www.epo.org/learning-events/e-learning.html)
  
- **"Patent Litigation A-Z"**
  - in development for judges with little or no experience in patents
  - comprehensive introduction to patent litigation
  - syllabus to be developed into specific modules
  - launch of first block will be in 2014

# Patent Litigation A-Z: Block 1 example (draft)

## Patents: procedures and legal framework



# Other initiatives

## Sponsored attendance at EPO conferences of interest

- Case law at the Boards of Appeal
- Munich Patent Damages conference
- *et al.*

## European Judges' Forum, Venice

- in co-operation with EPLAW, since 2005

## “Patent Litigation in Europe” publication

- an overview of the national patent litigation systems across the EPO's 38 Contracting States plus UPC
- at-a-glance description of the different national revocation, nullity and infringement procedures currently in place
- [www.epo.org/litigation](http://www.epo.org/litigation)

# Partners

- OHIM
- National patent offices
- European Patent Lawyers' Association (EPLAW)
- IP Judges' Association
- National Judicial Academies
- Bundespatentgericht (German Federal Patent Court) and other courts in Europe
- Academy of European Law, ERA

# Our role in UPC Judges' training

- EPO is ready to assist where possible and appropriate
- current training activities can be customised for UPC judges' needs
- language training:
  - is currently being developed in co-operation with the Goethe Institut, Institut Français, British Council
  - handbooks and courses will be tailor-made (also) for judicial audience
  - launch beginning 2015

*Thank you for your attention*

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