



## UPC training conference

Dutch perspective – by Edger F. Brinkman, Court of Appeal  
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## Outline The Netherlands

- National selection system for judges
  - General
  - Specific for Patent Judges
- Training system
  - General
  - Specific for Patent Judges
- My thoughts on sound UPC training system
- How can we help?

## National selection system for judges General

- legally qualified
- > 2 years experience outside court system (inside or outside counsel, Ministry, governmental bodies etc)
- Above average analytical and verbal skills
- Assessment center
- 3 interviews with SRM (national selection committee)
- Interview with president court

## National selection system for judges Specific for patent judges

- Technical background or at least high affinity
- Good analytical skills
- Experienced judge or experienced lawyer in patent/IP cases

## Training system General

- New system since 1 January 2014
- Min. 1y3m max. 4y
- Flexible, depending on needs apprentice: Personal Learning Plan
- Assessment and training separated
- 2-3 work-training environments (Family, Administrative, Criminal and Civil law division)
- Includes brief internship at different instance
- Brief EU internship
- Many courses provided by SSR (Training and Study Centre for the Judiciary)

## Preliminary phase

For both experienced and inexperienced trainee judges. Participants will discover their own learning style in a stimulating environment and work on the learning plan. This phase will be completed partly in a jurisdictional workteam and partly at the trainee judges' own court. Starts at least 2 and at most 4 times a year.

### Induction week

- All trainee judges together:
- Getting to know the organisation
  - Corporate identity
  - Building a network
  - Inventory of knowledge/talent/learning needs
  - Start of learning plan

### Subsequently:

- At own court (blue)
- Discovering – in a practical environment – what remains to be discovered
  - Writing draft judgements
  - Attending court sessions

### In a work-team environment (yellow)

- Where do I stand? (what knowledge and talent do I offer?)
- How do I learn best?
- How can I give direction to my learning process?
- What is it like to be a magistrate? (brief Public Prosecution Service internship)
- Frequent court-session simulations

### Personal Learning Plan (PLP)

- Which work-training environments?
- In what order?
- Duration of work-training environments
- Which phases and duration of phases

### Self-evaluation

- Is this the right professional field for me?

## Main phase

### Work-training environments (blue)

Working and learning in the workplace for each field of law or theme (e.g. 'youth')

- Two work-training environments is sufficient, even for longer programmes
- Three work-training environments are possible if duration of the programme is 3 years and 3 months or more
- Alternation between court and appellant body possible
- Trainee judges of criminal law complete an internship at the Public Prosecution Service (duration: between 1 week and six months)
- All other work-training environments also involve socially oriented internships (duration: between 1 week and six months)
- Brief internship at the corresponding appellant body/lower court
- At the same time, discipline-related courses will be conducted

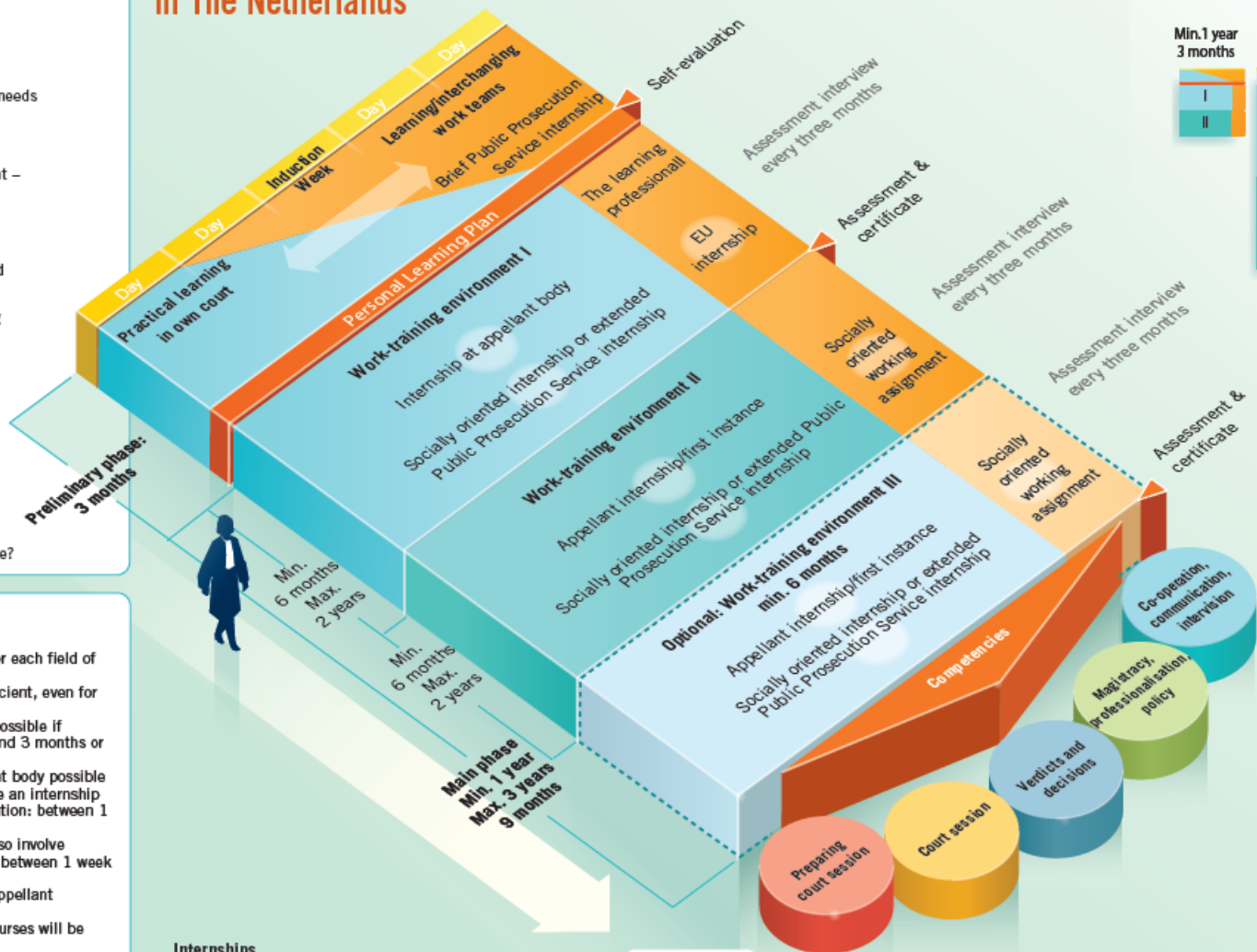
### Jurisdictional: the learning professional (orange)

- One day a week throughout the entire programme
- Sharing experiences and knowledge in work teams.
  - Practising skills such as reflection, ethics, intervention, integrity, dealing with the media etc.
  - Work assignments/improvement proposals for the organisation
  - Working on the portfolio and PLP
  - Space to address learning needs
  - Brief EU internship

# Initial Judicial Programme in The Netherlands

Work-training environment

Work-team environment



### Internships

- Duration of at least one week, at most six months
- For every field of law, there is an internship at a higher institution, and vice-versa for the courts
- Various internships at the Public Prosecution Service
- Compulsory national/international internships (EU)
- Social orientation consists of an internship or assignment

### Trainers

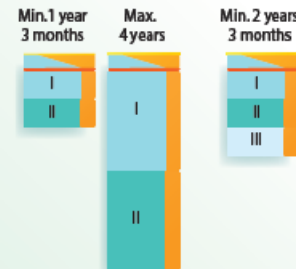
- The practical trainers work in the blue section
- Must be trained asap in the new role within the learning philosophy
  - In the preliminary stage, they operate as practical supervisors
  - In the main phase they teach within the work-training environment (within the profession)
  - They no longer bear final responsibility for the assessment, though they do give input regarding the portfolio

The core trainers work in the orange section

- Must first be trained to teach within the new learning philosophy
- Together with other core trainers, they form a work-training team for each jurisdiction
- In the first classes, they will perform a lot of pioneering work
- Coaching of trainers in the blue section with regard to the learning philosophy
- Provide training in sections of the (competency) themes

## Flexibility

Duration of programme: at least one year at most four years, depending on the knowledge and experience of the trainee judges. Possibly three work-training environments.



## Assessments

- Take place after six months in the first work-training environment and always at the end of the programme
- Conducted by assessment committees set up for each jurisdiction. The assessment is based on the portfolio results, draft judgements, work-team assignment feedback, intervention etc.
- Possible extra interim assessment when appropriate
- When duration of the programme is 3 years there will always be an assessment halfway through the remaining programme
- An evaluation interview will take place every three months. The assessment is taking place in accordance with the portfolio
- After completing a work-training environment a certificate will be awarded

## Training system specific for patent judges

- Flexible system based on general system
- For experienced judges:
  - Training program patent attorneys
  - Other symposia/courses on patent/general IP law
  - Principally: on spot training: sit and write
- For experienced lawyers:
  - 6m general civil law → learn “trade” judge
  - 1-3m internship other instance court
  - Min. 3m in IP/Patent Unit
- Previous system: 6m-1y training, civil law

## My thoughts on sound UPC training system

- Key is selection of candidates:
  - Very good analytical skills → test?
  - Strong affinity with technical matters
  - Good verbal skills
  - Experienced (in patents or at least general IP)
  - Language skills
- Evaluation by separate committee?
  - With input from trainers
  - Could be a good idea to enhance objectivity
  - But: the committee does not know the apprentice judge very well



## My thoughts on sound UPC training system continued

- Flexible system depending on need
- Basic training/courses in Budapest
  - Patent law
  - Language training (French, English, German)
  - Other competencies (writing and technical skills etc)
- Additional courses at EPO
- Also programme for writing clerks

## My thoughts on sound UPC training system continued

- On spot training at:
  - (once operational:) UPC central 1st and 2nd instance, Paris, London and Munich
  - (once operational:) UPC local, regional divisions
  - various important patent courts
  - US CAFC (?), EPO
- Imperative for acceptance:

only the best judges!

## How can we help?

- Small country but a lot of patent cases
- All concentrated in The Hague
- We can help training in Budapest (lecturers, tutors)
- Provide internships
  - Including attending hearing patent case
  - Many cases have simultaneous translation (EN, DE)
  - Exploring possibility English pleadings
  - Likely: local division in English
- NL government committed to invest in training

