The Training of the Judiciary: a Key to Success for the Unified Patent Court

Conference on the training of UPC Judges
Budapest, 13-14 March 2014

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The Unitary Patent/ the UPC: A Crucial Step for the Construction of the European Intellectual Property System

“(…) The creation of a European court specialized in patent matters will be a tremendous boost for the completion of the European patent system”

*Benoît Batistelli, President of the European Patent Office*

“We will put an end to the unacceptable situation where obtaining a patent in Europe costs ten times more than in the US. This shows how European action can complement national action to boost competitiveness”.

*José Manuel Durão Barroso, President of the European Commission*

“The new system shall help European companies attract investment into their innovative activities by dramatically shortening and simplifying the procedure of obtaining patent protection”.

*Dr. Zoltán Cséfalvay, Minister of State for National Economy of Hungary*
Anyhow, some important challenges remain, among which is certainly training of the judiciary

“Many of the concerns with the UPC still remain, in particular (...) the training and quality of UPC judges”

UK House of Commons, European Scrutiny Committee.

“The crucial point for success or failure of the whole court system is the quality, efficiency and cost of the proceedings before the new court.”

Jochen Pagenberg, Bardehle Pagenberg

“In a new international judiciary comprising a diversity of local and regional divisions, persistence of national legal traditions in the interpretation and application of substantive and procedural law should be minimized.”

Reto M. Hilty and al., Max Planck Institute for Innovation and Competition, Munich
• The qualification and experience of the UPC judges are key to the success of the UPC, and probably to the success of the entire patent reform.

• When the pre-selecion process concludes, there will be only some months to set up a common judicial culture, guarantee excellent patent knowledge and even a shared terminology.
  – These activities, and their posterior consolidation, will give identity and credibility to the Court.

• State Members of the UPC, related institutions, future members of the Court, are writing an crucial passage of European history.
International and European Centre of Excellence in IP Training and Research
Since 1963, CEIPI has been engaged in the construction of European IP via training.

- 41,653 professionals trained since the creation of CEIPI.
- 35,845 professionals trained in European Patent law (basic training courses and preparation for the European Qualifying Examination).
- 400 experts from 25 countries lecture at CEIPI.
- 40 cities where CEIPI imparts training in a regular basis, in 20 countries.
CEIPI and European Patent Law

Training programmes

• Diploma on Patent Litigation in Europe (CEIPI-EPI)
• European Qualifying Examination preparation (in cooperation with EPO), delocalized Basic courses in European Patent law (in cooperation with EPI)
• Diploma on IP, specialization in Patent law
• 6 Masters of Law with intensive patent courses (such as IP management)

Conferences

• Towards an European Patent Court, April 16 – 17, 2010
• Constructing European IP law, February 25-26 2011

Stakeholders

• IP attorneys, scholars, companies, and officials of national, European and international organizations
CEIPI and the Judiciary

• CEIPI currently trains public servants working at patent offices, ministries of trade, industry, culture…
  – Judges have been identified as key actors to work with

• CEIPI has concluded a MOU with WIPO to organize seminars and training activities with judges

• CEIPI professors have experience in training judges with international organizations

• CEIPI has concluded a survey on IP capacity-building for the judiciary (for a study in preparation)
CEIPI Survey on training-related activities for the Judiciary

• There is a growing interest and demand for judicial IP training
  – A total of 175 activities where identified worldwide in about a decade, half of them in the last two years

• EPO, OHIM, WIPO and USPTO are the most active and representative institutions organizing trainings

• Training activities are heterogeneous and not permanent:
  – One-time basis, generally for two or three days.
  – Useful programs, which are not always systematic or harmonized
How can CEIPI contribute to the Unified Patent Court project?
Unified Patent Court Trainings

• Patent litigation expertise needs to be enhanced and guaranteed through selection and training
  – Ensure a strong basis in the preparatory phase
  – Offer comprehensive and continuous training once UPC is fully operational
• Focus on
  – Technical aspects of patent law
  – Civil procedure
  – Linguistic skills
• Activities
  – Personalized curricula for each judge, according to experience
  – Courses, conferences, seminars, workshops, mock trials and symposia
  – Cooperating with international organizations and other training partners
## Minimum Content of UPC Trainings

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<tr>
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<td>– Jurisprudence</td>
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Anyhow, probably not sufficient… Additional UPC Training needs on:

- Competition law and patent law
- Fundamental rights and IP law
- IP enforcement
- International IP law (including private international law)
- Comparative patent law
Thank you!

Welcome to our new facilities in Strasbourg (2015)