

CEIPI TRAINING PROGRAM  
FOR TECHNICALLY QUALIFIED  
JUDGES OF THE UNIFIED  
PATENT COURT

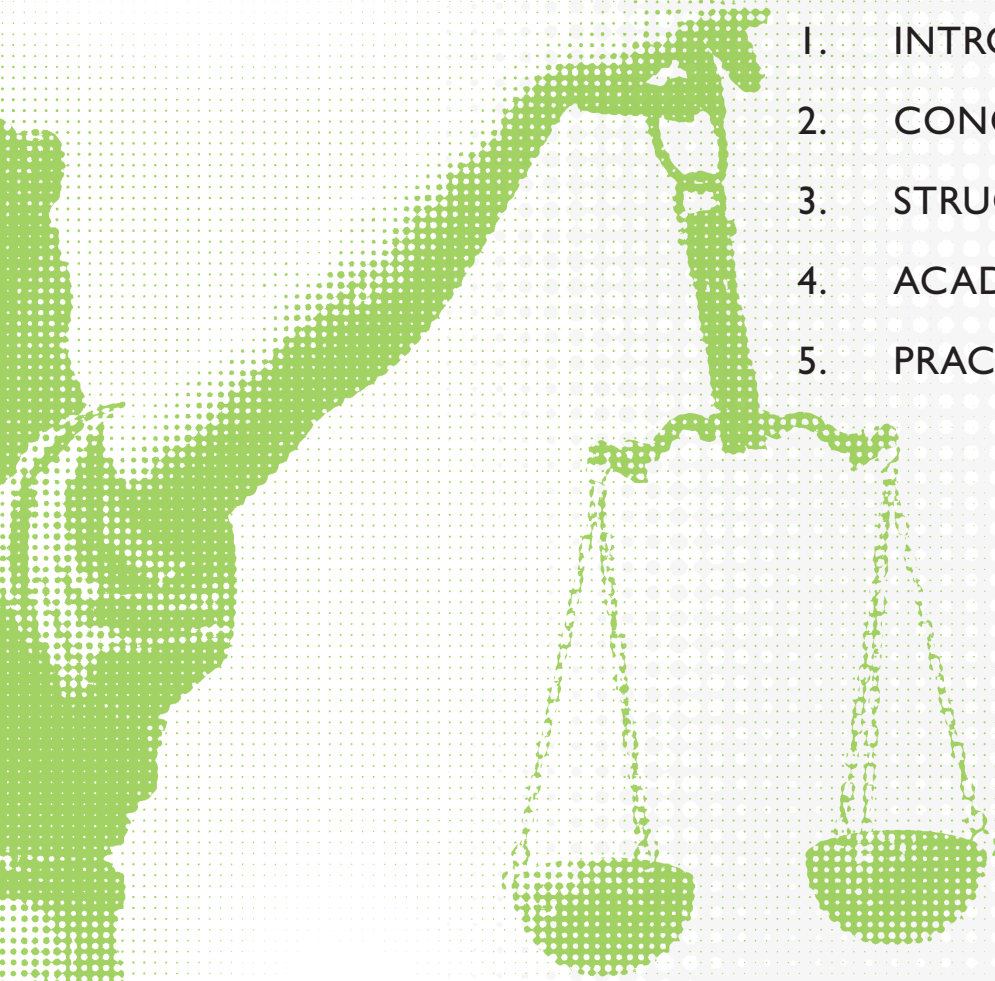
TECHNICALLY  
QUALIFIED  
JUDGES



CEIPI TRAINING  
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OF THE UNIFIED  
PATENT COURT

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# I. INTRODUCTION

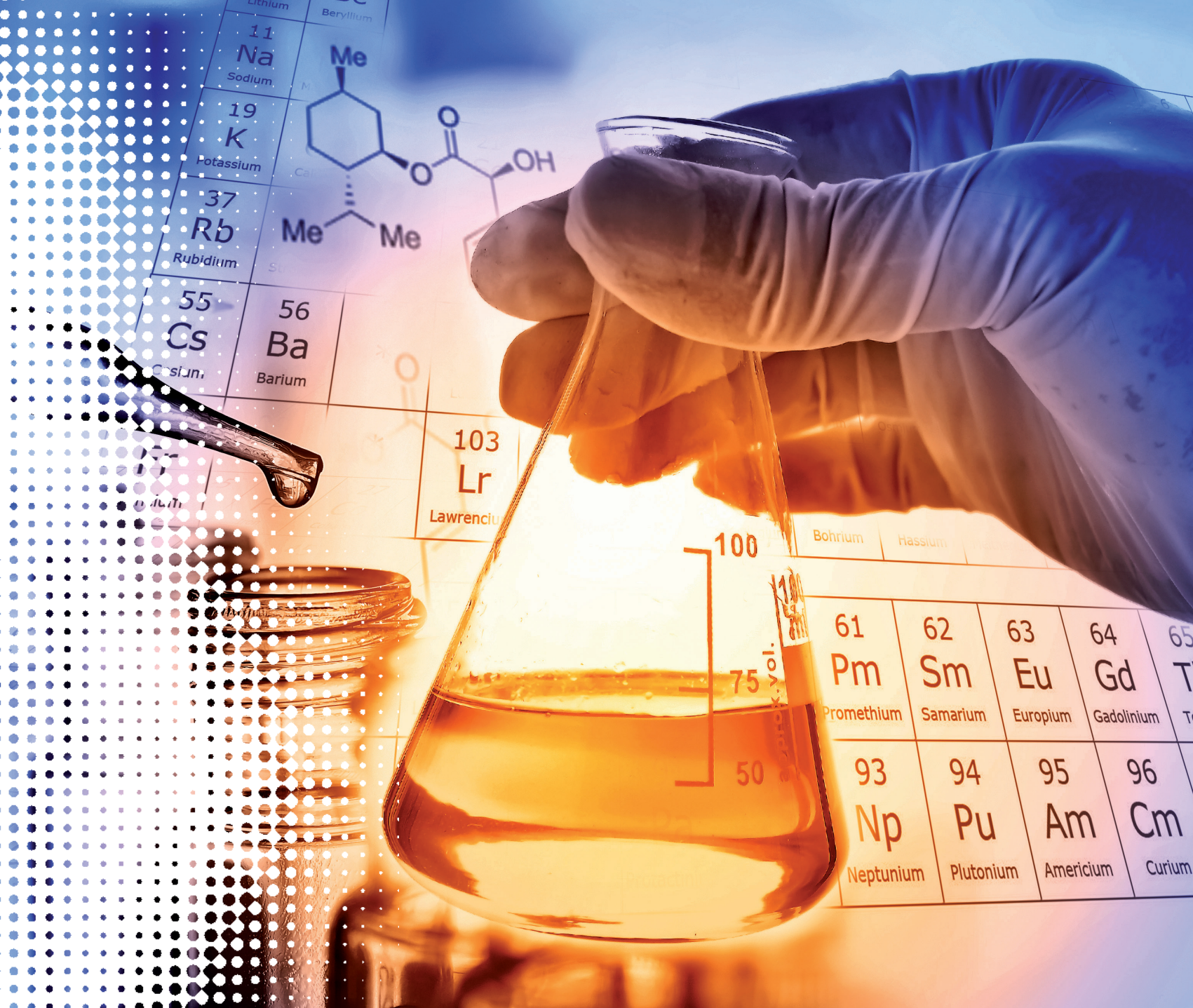
The creation of the Unified Patent Court represents a turning point in the history of European intellectual property law and a great step forward towards the completion of the European patent system. A critical point for the success of the Unified Patent Court and the entire patent package is the quality and efficiency of the proceedings before the new court, which will be administered by a central actor; the judges of the Unified Patent Court.

The Centre for International Intellectual Property Studies (CEIPI) is profoundly engaged in the construction of European institutions and the adoption of new European regulations and intellectual property norms. In relation to the unitary patent package, CEIPI has been anticipating the creation of the Unified Patent Court and the patent reform through conferences, specialized training programs, monographic publications and close interaction with diverse public and private stakeholders directly involved in setting up the new court.

It is in this context that CEIPI, with the support of INPI, puts its experience in training public servants, academic longstanding tradition and connection with key international intellectual property organizations at the service of a training program intended to meet the needs of a crucial collective such as the judiciary. The CEIPI Training Program specifically targets technically qualified judges. The growing relevance of technical judges in comparative law, their central role in the Unified Patent Court, and the experience of CEIPI in the training of professionals with scientific and technical backgrounds, make the CEIPI Training Program for Technically Qualified Judges a particularly timely one and the sole academic program crafted for such a collective.







11  
Na  
Sodium

19  
K  
Potassium

37  
Rb  
Rubidium

55  
Cs  
Cesium

56  
Ba  
Barium

103  
Lr  
Lawrencium

Bohrium

Hassium

61

Pm

Promethium

62

Sm

Samarium

63

Eu

Europium

64

Gd

Gadolinium

65

Tm

Terbium

93

Np

Neptunium

94

Pu

Plutonium

95

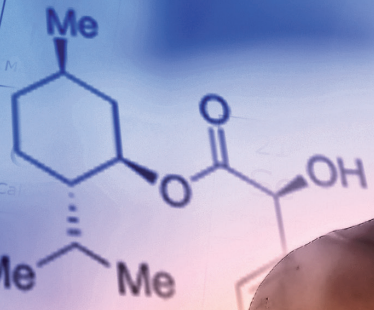
Am

Americium

96

Cm

Curium







CEIPI TRAINING  
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OF THE UNIFIED  
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## 2. CONCEPT OF THE PROGRAM

The CEIPI Training Program for Technically Qualified Judges of the Unified Patent Court aims at covering two different needs. On the one hand, technically qualified judges have to be exposed to the key aspects of becoming a judge, that is, to the specific legal skills that judges need in the courtroom. On the other hand, the novelty of the institution and the complexity of the field make it necessary offering specialized trainings on a range of key technical issues of particular interest in the Unified Patent Court context.

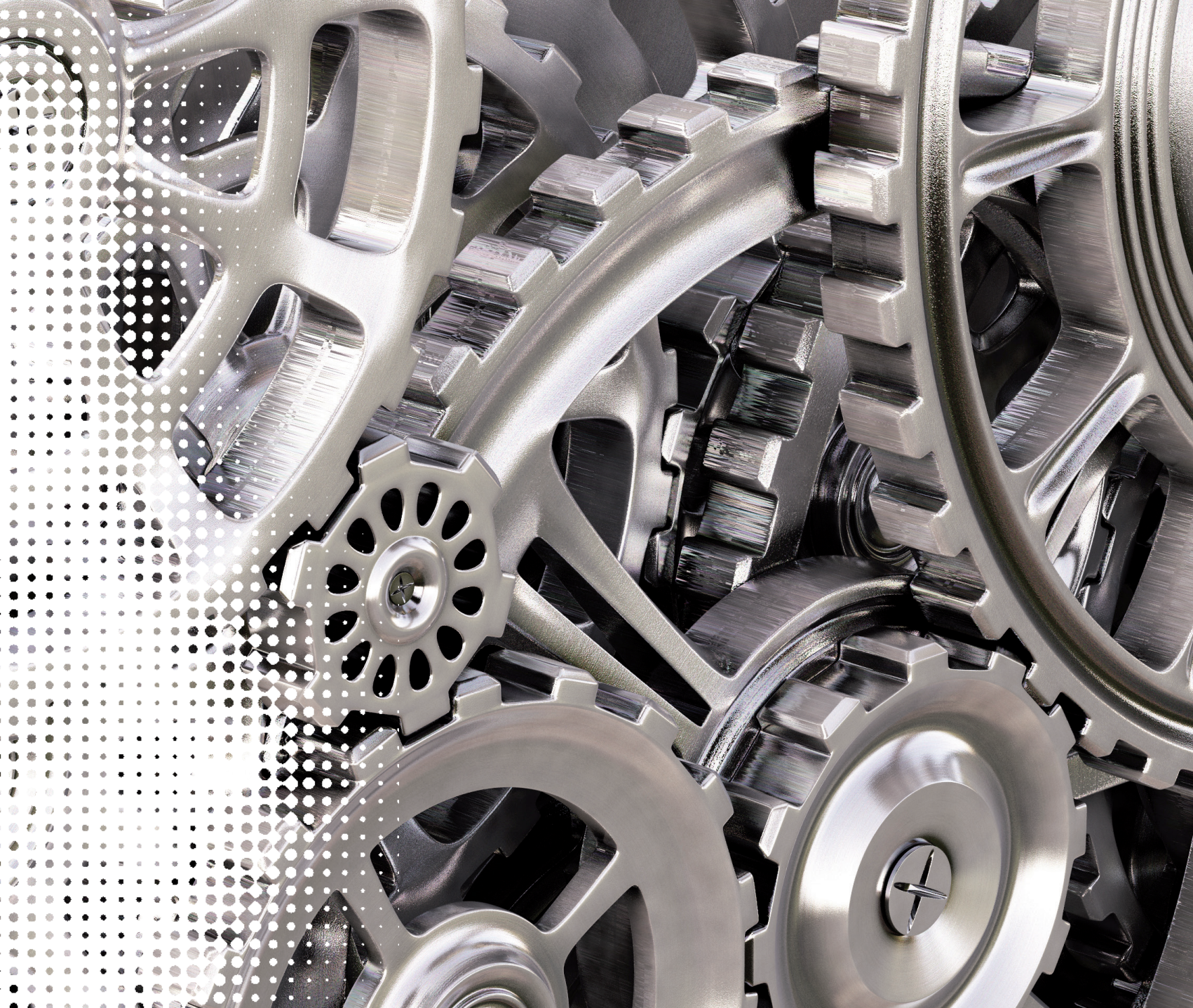
In response to these needs, the CEIPI training for technically qualified judges consists of a two block program of three days each dealing specifically with the judicial profession and topics of relevance for the Unified Patent Court.

Designed in consultation with key personalities behind the setting up of the Court, the Training Program addresses the specific legal skills that judges must have, and includes as well the training on the fundamentals of fair trial and due process in the context of patent law. The program encompasses a range of intensive thematic and specialized modules, particularly crafted to respond to the needs of technically qualified judges.



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# 3. STRUCTURE OF THE PROGRAM



CEIPI TRAINING PROGRAM FOR TECHNICALLY QUALIFIED JUDGES OF THE UNIFIED PATENT COURT

The CEIPI Training Program for Technically Qualified Judges puts special emphasis on the practical aspects. On the one hand, a large number of speakers are judges or former judges with vast experience in patent litigation. These judges are accompanied by relevant policy and academic actors highly specialized in the Unified Patent Court. On the other hand, classroom lectures are combined with an intense analysis of jurisprudence and practical exercises, including workshops with case studies and two moot court exercises.

The eight modules that make up the program will be taught over a period of two weeks, from Thursday to Saturday, in order to facilitate attendance on the part of participants, who are expected to be professionals with heavily committed agendas. Materials will be provided in advance and participants will be expected to prepare the content of each module. There will be an exercise at the end of each module, aimed at stimulating interactive participation.

The teaching will be conducted in English at the University of Strasbourg.

The following topics -all of them put in relation with the Unified Patent Court- will be addressed:

1. JUDICIAL ETHICS
2. FAIR TRIAL AND PATENT LAW
3. COMPETITION LAW
4. LEGAL AND TECHNICAL SKILLS
5. APPLICABLE SUBSTANTIVE LAW
6. RULES OF PROCEDURE AND JURISDICTIONAL ASPECTS
7. ENFORCEMENT
8. EXPERTISE AND WITNESS

## 3. STRUCTURE OF THE PROGRAM

### M1

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1. JUDICIAL ETHICS
2. THE UPC, FUNDAMENTAL PRINCIPLES AND FAIR TRIAL
3. COMPETITION LAW AND THE UPC
4. LEGAL SKILLS

### M2

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5. APPLICABLE SUBSTANTIVE LAW AND PATENT HOLDER RIGHTS
6. THE UPC AND ITS RULES OF PROCEDURE

### M3

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7. ENFORCEMENT
8. EXPERTISE AND WITNESSES

### Module I

The first week includes an opening part with conferences delivered by keynote speakers, who will address the constitutive aspects of the new court. This introductory part will be followed by lectures that will touch upon judicial ethics, fair trial and patent law, competition law, as well as legal and technical skills of judges.

#### 1. JUDICIAL ETHICS

Training on judicial ethics covers a wide range of issues securing autonomy such as avoiding bias in judging, dealing with conflicts of interest and ethical issues of particular relevance in patent law. A number of key principles will be particularly studied, such as independence, accountability, impartiality, integrity, equality, competence and diligence.

#### 2. THE UPC, FUNDAMENTAL PRINCIPLES AND FAIR TRIAL

The Unified Patent Court Agreement and Statute specifically refer to due process and fair trial, and announce a number of principles that should be applied by the new court. On their turn, the Court of Justice of the European Union, the European Patent Office Boards and the European Court of Human Rights have addressed fair trial requirements in intellectual property cases, which the Unified Patent Court needs to take into account.

#### 3. COMPETITION LAW AND THE UPC

The sessions scheduled for this part will introduce selected issues relating to competition law, licensing and the Unified Patent Court. It is foreseeable that in the new judicial environment issues such as licensing, including FRAND licensing, injunctive relief and compulsory licensing will become highly important. The views of practitioners will be combined with those other views of competition authorities with experience in patent litigation.

#### 4. LEGAL SKILLS FOR TECHNICAL JUDGES

In order to address the specific legal skills that judges need in the courtroom particular attention will be devoted to legal reasoning, legal argumentation, research methods for judges, opinion writing, sentencing, dealing with expert evidence, with the representatives of the parties and witnesses.





## Module 2

### 5. APPLICABLE SUBSTANTIVE LAW AND PATENT HOLDER RIGHTS

This module introduces the broader context directly determining the work of the Court. The first part addresses the applicable substantive patent law and also touches upon the substantive European patent law and jurisprudence on patents and supplementary protection certificates. The second part deals with patent holder rights and the scope of protection conferred by a patent in the light of the European Patent Convention and the Unified Patent Court Agreement.

### 6. THE UPC AND ITS RULES OF PROCEDURE

This section addresses the institutional aspects of the Court and the rules of procedure. It is divided in two parts. The first one covers the jurisdictional issues while the second one touches upon central aspects relating to the Rules of Procedure, such as competence of the court, sources of law, provisional and protective measures, written and oral procedures, decisions and orders, and the role of the judge rapporteur. A moot court relating to interim conferences is scheduled for this part.

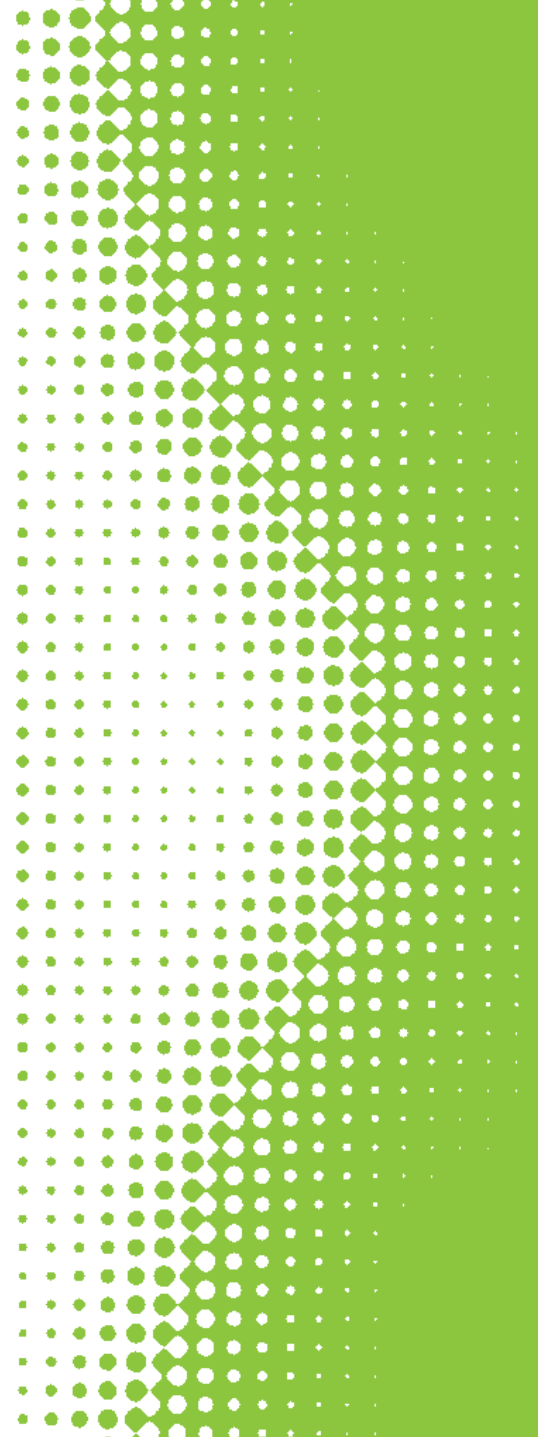
## Module 3

### 7. ENFORCEMENT

The third module of the course is devoted to enforcement. Evidence, measures for the preservation of evidence, injunctions and damages occupy a central space of civil enforcement regimes. The treatment of these measures will determine the success of the Court and will also be a key test of the cohabitation of the different national legal traditions of Member States.

### 8. EXPERTISE AND WITNESSES

This section analyses in detail the regulation and relevance of expertise, the technical expert and witnesses in the international, European and Unified Patent Court law. Among other topics, it addresses written witness statements, hearing and duties of witnesses, experts of the parties and appointment of a court expert. The characteristics of technical judges in comparative patent law are also addressed in this section.



# 4. ACADEMIC INFORMATION

## I. LECTURERS 2015 - 2016

Sabine Agé

Patent litigator; Véron & Associés

Klaus Bacher

Judge, Federal Court of Justice of Germany

Hon. Sir Colin Birss QC

Judge, High Court of Justice of England and Wales

Tobias Bremi

Second Ordinary Judge, Federal Patent Court of Switzerland

Peter Blok

Judge, Court of Appeal The Hague

Laurence Brüning-Petit

Lawyer, European Patent Office

Marie Courboulay

Vice-president, 3rd Chamber, Tribunal de Grande Instance de Paris

Thierry Debled

Adjunct Professor and Director of the International section of CEIPI, University of Strasbourg

Stephan Dorn

Lawyer, Hogan Lovells International LLP

Peggy Ducoulombier

Professor of Law, Research Institute Carré de Malberg, University of Strasbourg

Margot Fröhlinger

Principal Director for Patent Law and Multilateral Affairs, European Patent Office

His Hon. Michael Fysh QC SC

Former Circuit Judge of the Patents County Court in England and Wales

Ángel Galgo Peco

Presiding Judge, Commercial Chamber, Provincial Court of Madrid, Section 28

Christophe Geiger

Professor, Director General and Director of the Research Department of CEIPI, University of Strasbourg

Alain Girardet

Conseiller, 1st Civil Chamber, Cour de Cassation

Klaus Grabinski

Judge, Federal Court of Justice of Germany

Sam Granata

Judge, Court of Appeal Antwerp, Belgium

His Hon. Richard Hacon

Presiding Judge, Intellectual Property Enterprise Court, United Kingdom

François-Régis Hannart

Principal Director European and International Cooperation, European Patent Office

Catarina Holtz

Former member of the EPO Boards of appeal, former Appellate Judge of the Svea Court of Appeal (Stockholm)

Rt. Hon. Professor Sir Robin Jacob

Sir Hugh Laddie Chair of Intellectual Property Law, Faculty of Laws, University College London

Rian Kalden

Senior Judge, Court of Appeal The Hague

György Kozma

Coordinator of the Human Resource and Training Working Group, Preparatory Committee, Unified Patent Court

Stefan Luginbühl

Lawyer, International Legal Affairs, European Patent Office

Sylvie Mandel

Conseiller honoraire, Cour de Cassation

Kevin Mooney

Chairman of the Drafting Committee on Rules of Procedure for the Unified Patent Court

Gabriella Muscolo

Commissioner, Italian Competition Authority

Nicolas Petit

Professor of Law, University of Liege

Wojciech Postulski

Secretary General of the European Judicial Training Network

Alexander Ramsay

Chairman of the Preparatory Committee of the UPC

Isabelle Romet

Patent litigator, Véron & Associés

Beate Schmidt

President of the Federal Patent Court of Germany

Harald Springorum

Lecturer at Law Faculty of Heinrich-Heine-Universität Düsseldorf and at CEIPI, University of Strasbourg

Thierry Sueur

Vice-president for Intellectual Property, Air Liquide

Cheryl Thomas

Professor of Judicial Studies, Faculty of Laws, University College London

Simon Thorley QC

Advocate, Brick Court Chambers, United Kingdom

Edouard Treppoz

Professor, Université Lyon III Jean Moulin

Paul van Beukering

Former Chairman of the Preparatory Committee of the UPC

Robert van Peursem

Advocate General of the Supreme Court of the Netherlands

Pierre Véron

Member of the Drafting Committee on Rules of Procedure for the Unified Patent Court

Alex Wilson

Partner, Powell Gilbert

## 2. MEMBERS OF THE SCIENTIFIC BOARD

Chair: Rt. Hon. Prof. Sir Robin Jacob

Sir Hugh Laddie Chair of Intellectual Property Law, Faculty of Laws, University College London

Ms. Marie Courboulay

Vice-president, 3rd Chamber, Tribunal de Grande Instance de Paris

Ms. Margot Fröhlinger

Principal Director for International Affairs, European Patent Office

His Hon. Michael Fysh QC SC

Former Senior Circuit Judge of the Patents County Court in England and Wales

Prof. Dr. Christophe Geiger

Director General of the Centre for International Intellectual Property Studies

Dr. Klaus Grabinski

Judge of the Federal Court of Justice of Germany

Ms. Sylvie Mandel

Conseiller honoraire, Cour de Cassation

Mr. Kevin Mooney

Chairman of the Drafting Committee on Rules of Procedure for the Unified Patent Court

Mr. Robert van Peursem

Advocate-General of the Supreme Court of the Netherlands

## 3. COURSE DIRECTION

Christophe Geiger

Director General of CEIPI

Xavier Seuba

Academic Coordinator and Judicial Training Manager at CEIPI



# 5. PRACTICAL INFORMATION

## VENUE

- Strasbourg

## ORGANIZATION OF THE STUDIES

- Two modules of three days, from Thursday to Saturday. The training is held in English

## CALENDAR AND FEES

- Available on our website

## HELPDESK AND APPLICATION

- For all questions relating to organization and registration, please contact:

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