

## **INFORMATION ON THE SELECTION PROCESS OF JUDGES AT THE UNIFIED PATENT COURT**

Please read carefully the information on the selection process of Unified Patent Court (UPC) judges, the eligibility criteria, as well as the Instructions to be followed when completing the Application Form.

The selection process of candidates for judicial posts at the UPC consists of the following steps:

1. A first round of candidates' selection will be carried out on the basis of answers provided in the Application Form, together with the candidates' Curriculum Vitae, references and any other relevant document provided.
2. The candidates selected by the Advisory Committee on the basis of this first round of the selection process will be invited to an interview, carried out by members of the Advisory Committee. The interview will aim at evaluating skills necessary for judicial functions at the UPC, such as judicial ethics, experience in meeting tight deadlines, oral communication skills, the capacity to work in a multinational and multilingual environment, etc.
3. Following the first round of selection and the interviews, the Advisory Committee will present a list to the Administrative Committee, recommending the most suitable candidates for posts of judges at the UPC.
4. Based on this list, the Administrative Committee will appoint the necessary number of judges for a proper functioning of the UPC. When appointing judges, the Administrative Committee will ensure the best legal and technical expertise and a balanced composition of the UPC, on as broad a geographical basis as possible among nationals of the Contracting Member States.

It can be foreseen for the entire selection process to take about 7 months, with appointment dates depending on the actual coming into operation of the UPC.

### **ELIGIBILITY CRITERIA<sup>1</sup>:**

#### **Agreement on a Unified Patent Court (UPCA)**

##### **Article 15**

*1. The Court shall comprise both legally qualified judges and technically qualified judges. Judges shall ensure the highest standards of competence and shall have proven experience in the field of patent litigation.*

*2. Legally qualified judges shall possess the qualifications required for appointment to judicial offices in a Contracting Member State.*

---

<sup>1</sup> To consult the full UPCA, please go to: <https://www.unified-patent-court.org/sites/default/files/upc-agreement.pdf>

3. *Technically qualified judges shall have a university degree and proven expertise in a field of technology. They shall also have proven knowledge of civil law and procedure relevant in patent litigation.*

**Article 2 of the UPCA Statute:**

1. *Any person who is a national of a Contracting Member State and fulfils the conditions set out in Article 15 of the Agreement and in this Statute may be appointed as a judge.*

2. *Judges shall have a good command of at least one official language of the European Patent Office.*

3. *Experience with patent litigation which has to be proven for the appointment pursuant to Article 15(1) of the Agreement may be acquired by training under Article 11(4)(a) of this Statute.*

**Instructions regarding eligibility criteria:**

- Detailed information is provided for each Contracting Member State on the requirements to be fulfilled to access judicial function at national level. Please note that candidates for posts of legally qualified judge, **who are not serving or former judges**, have to fulfil the required legal degree(s) and/or years of professional legal experience required under national law for appointment at **either** lower, higher or highest Courts. Since candidates will be evaluated by the Advisory Committee and the selected candidates will be appointed to the UPC by the Administrative Committee, any evaluation/selection/opinion by a national committee or board is not required.
- Article 15(2) UPCA: “*Legally qualified judges shall possess the qualifications required for appointment to judicial offices in a Contracting Member State.*” is to be understood as the requirements for appointment to judicial offices **of the Contracting Member State the applicant is a national of**.
- Candidates must be nationals of Member States of the European Union having signed the UPCA (<http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=2013001>). To be **appointed** as a judge, the successful candidate must be a national of a Member State of the European Union which has **ratified** the UPCA (<http://www.consilium.europa.eu/en/documents-publications/agreements-conventions/agreement/?aid=2013001>).
- **Age-limit for appointment to a post of legally qualified judge:**  
Candidates for the post of legally qualified judge need to comply with any age limit for appointment at judicial office at **national level**. The age limit for

appointment at higher and highest national courts shall be applicable. If no such age limit is specified, the general age limit for appointment at the UPC of **67 years** will be applicable (Article 14aa(2) of the draft Regulation Governing the Conditions of Service of the Judges, Registrar and Deputy-Registrar).

- **Age-limit for appointment to a post of technically qualified judge:**  
Candidates for the post of technically qualified judge need to comply with the general age limit for appointment at the UPC of 67 years.

### **Article 17 UPCA**

- 1. The Court, its judges and the Registrar shall enjoy judicial independence. In the performance of their duties, the judges shall not be bound by any instructions.*
- 2. Legally qualified judges, as well as technically qualified judges who are full-time judges of the Court, may not engage in any other occupation, whether gainful or not, unless an exception is granted by the Administrative Committee\*.*
- 3. Notwithstanding paragraph 2, the exercise of the office of judges shall not exclude the exercise of other judicial functions at national level.*
- 4. The exercise of the office of technically qualified judges who are part-time judges of the Court shall not exclude the exercise of other functions provided there is no conflict of interest.*
- 5. In case of a conflict of interest, the judge concerned shall not take part in proceedings. Rules governing conflicts of interest are set out in the Statute.*

**\* This exception needs to be requested by candidates for posts of part-time legally qualified judges, who wish to remain, for instance, in private practice, as well as by candidates for posts of full-time technically qualified judges who plan on maintaining other occupations.**

**Please note that no exception can be granted to candidates who serve as members of the Board of Appeal of the European Patent Office (EPO) and who wish to remain members of the Boards. Only those candidates placed on the list of most suitable candidates under Article 2(3) of the Statute will be asked to request the exception under Article 17(2) UPCA.**

### **INSTRUCTIONS:**

- Please upload in the indicated space your Curriculum Vitae in a standardised format, using the Europass CV template (<http://europass.cedefop.europa.eu>) and written in one of the EPO's official languages (English or French or German).

- Please indicate in the Europass CV the contact information of 2 or 3 references who can be reached in the context of your application.
- Please upload in the indicated space your presentation letter, written in one of EPO's official languages.
- Candidates who currently serve as a judge may enclose an opinion from the President of their current Court regarding their skills in respect of: knowledge in substantial and procedural patent law; work efficiency; cooperation abilities; writing skills; general judgement ability.
- Relevant diplomas and certificates (including any translations of official documents, which are not originally in an EPO official language) need to be uploaded. A certified translation is not required at this stage but can be requested in a further stage of the selection process.
- Any judgments, submissions or briefings uploaded should be submitted in their original version. If the original version is in a language other than one of EPO's official languages, it is recommended to provide a translation either in English, French or German. If no translation is provided, the submission might not be considered.
- Judges of the UPC will work on multinational panels. Therefore, international experience as well as a readiness to move or to travel frequently will be considered as an asset.
- Command of languages is an important criterion, and candidates fluent in more than one official EPO language will have an advantage in comparison to candidates fluent in one official EPO language only. Please note that an independent assessment of language skills, based on the Common European Framework of Reference for Languages, can be used in order to evaluate a candidate's suitability for the post.
- Candidates for posts of part-time legally qualified judges, who wish to remain in private practice or in academia as well as candidates for posts of full-time technically qualified judges, who plan on maintaining other occupations, can be asked to request an exception from the AC, under Article 17(2) UPCA<sup>2</sup>.
- o By filling up the Application Form, you agree that the information contained within can be verified;
- o If you are taking part in the training at the Training Centre in Budapest or at the Centre d'Études Internationales de la Propriété Intellectuelle (CEIPI), you agree

---

<sup>2</sup> Only those candidates placed on the list of most suitable candidates under Article 3(2) of the Statute will be asked to request the exception under 17(2) UPCA.

that the Advisory Committee can contact the trainers in order to get feedback on your candidacy.

- o You understand that an offer at the UPC is conditional upon completion of a health check.
- o You understand that an offer at the UPC is conditional upon completion of a comprehensive background and security check.
- o **CONFIDENTIALITY POLICY:** In accordance with Article 15(6) of the draft Regulation Governing the Conditions of Service of the Judges, Registrar and Deputy-Registrar, any personal data provided by the candidate during the entire selection procedure shall be dealt with in strict confidence, and only by persons who have legitimate access to the candidate's file.
- Please fill in the Application Form.

Any queries pertaining to the application process must be addressed to the UPC Preparatory Committee's secretariat.