

## **Organisational rules of the Preparatory Committee of the Unified Patent Court**

### **Article 1**

#### **Meetings**

1. Meetings of the Preparatory Committee shall be convened by the chairperson, on his/her initiative or on request by a representative of a Signatory State.
2. Signatory States' facilities for holding meetings shall be used. Meetings can be held in, e.g. the Permanent Representation of a Signatory State in Brussels or in any Signatory State willing to host one or more meetings.

### **Article 2**

#### **Chair**

1. A chairperson and a deputy-chairperson shall be elected from among the representatives of the Signatory States.
2. The chairperson shall when needed report to the Member States at the appropriate political level (Friends of the Presidency / COREPER / Council).
3. The chairperson shall be responsible for the work of the Preparatory Committee and preside over its meetings.
4. At any time during the discussions, representatives may raise objections to the chairperson's conduct of business; if the chairperson does not uphold the objection, any representative of a Signatory State may call for an immediate decision by the Preparatory Committee.
5. The deputy-chairperson shall of his/her own motion replace the chairperson in his/her absence.

### **Article 3**

#### **Agenda**

1. A provisional agenda shall be drawn up by the chairperson and circulated to representatives well in advance of any meeting.
2. Any representative of a Signatory State may request that an item be included in the provisional agenda.
3. At the beginning of each meeting, the Preparatory Committee shall adopt the agenda and the order in which the agenda items are to be discussed.

## **Article 4**

### **Documents**

Documents may be submitted to the Preparatory Committee by the chairperson, the deputy-chairperson, any representative of a Signatory State or any group coordinator.

## **Article 5**

### **Voting rules**

1. At meetings, the Preparatory Committee shall attempt to reach consensus. Where this is not possible it shall take its decisions by a two third majority of the Signatory State representatives present and voting; voting shall be by show of hands unless a Signatory State representative requests a secret ballot.
2. Where the chairperson considers this appropriate, the Preparatory Committee shall be able to take a vote in written procedure, as follows:
  - i. The chairperson shall communicate the wording of the proposal in question to the Signatory State representatives and invite them to inform him/her, within 14 calendar days, whether they agree to use the written procedure and whether they approve the proposal.
  - ii. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
  - iii. If a Signatory State objects to the use of written procedure such procedure shall not be used.
  - iv. If there is no objections to the use of written procedure the proposal shall be deemed to be adopted if a majority of three quarters of Signatory State representatives have approved the proposal.
  - v. At the beginning of each meeting of the Preparatory Committee, the chairperson shall inform the Signatory State representatives of any decisions taken by written procedure since its last meeting.

## **Article 6**

### **Minutes including summary of decisions**

Minutes including summary of decisions shall be forwarded to the Signatory State representatives as soon as possible after the meeting.

## **Article 7**

### **Transparency and consultations of interested circles**

1. The Preparatory Committee shall ensure appropriate involvement of and regular contacts with interested circles.
2. Proposals and other documents which have reached an appropriate stage shall be made available to the public, unless the Preparatory Committee decides otherwise in a particular case.
3. The Preparatory Committee shall when needed hold consultations with interested circles (in particular judges, industry representatives, lawyers, patent attorneys and other interested parties). The first issue on which the users need to be consulted by the Preparatory Committee are the draft rules of procedure.
4. Signatory States may of their own motion hold consultations at national level. The chair and the coordinators should be informed accordingly.
5. The Preparatory Committee shall decide on the admittance of observers to its meetings.

### **Article 8**

#### **Confidentiality**

Persons taking part in meetings of the Preparatory Committee and receiving documents shall preserve the confidentiality of proceedings, votes and documents marked confidential.

### **Article 9**

#### **Groups and teams of experts**

1. The Preparatory Committee shall establish groups and where necessary mandate teams of experts to advise a group and / or the Preparatory Committee on particular questions.
2. The Preparatory Committee shall designate a coordinator for each group and provide guidance for its work.
3. Each group shall establish its own work methods, on a proposal from its coordinator.
4. Reports and proposals from the groups shall be submitted to the Preparatory Committee for discussion and approval.
5. The rules on confidentiality shall apply to any group or team of experts.

## **Article 10**

### **Expenses**

Representatives shall bear their own travel and subsistence expenses.

## **Article 11**

### **Secretarial arrangements**

1. A secretariat shall provide administrative and logistical support to the Preparatory Committee and its chairperson; this shall include to
    - i. maintain a database containing all documents of the Preparatory Committee,
    - ii. draw up and update the list of Signatory State representatives (names, addresses),
    - iii. format, distribute and archive documents,
    - iv. inform representatives about practical arrangements for meetings (venue, time, local transport, hotels), and
    - v. draw up draft Minutes and Summary of decisions after each meeting and submit them to the chairperson.
  2. The secretariat shall provide assistance as above where the Preparatory Committee decides to hold consultations with interested circles.
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