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Public Consultation on the Rules on Court fees and recoverable costs

Published: Friday, 08 May 2015 14:25



On the 8 May the Preparatory Committee launched a public consultation on the fee structure for the Court.

The consultation document [Rules on Court fees and recoverable costs](#) comprises two options for a revised Rule 370, a table of fees, a scale of ceilings for recoverable costs and an Explanatory Note.

Responses are to be sent to the [Secretariat](#) before 31 July (there is no guarantee that responses received after this date will be taken into consideration). In order to facilitate the processing of the submissions received the members of the Preparatory Committee would be grateful if responses are sent in English.

The Committee shall only consider contributions from stakeholders and other interested parties whose identity can be established and who can be contacted at least via e-mail. Contributors who represent organisations are requested to indicate so. If not, their contributions shall be considered to have been made in a personal capacity. Personal data (such as name and address of the contributor, name and type of the organisation, name of the contact person etc.) shall be kept only for the purpose of the consultation and may be used by the Committee for activities related to the consultation. Personal data shall not be given to third parties and shall be destroyed once the analysis of the consultation is completed.

The fee structure for the Unified Patent Court will comprise fixed fees and, for certain actions, an additional value based fee. The fee levels proposed are the lowest that will enable eventual sustainability of the Court.

As well as proposing fee levels, the consultation also addresses a number of points including:

- support for small and medium sized enterprises (SMEs), not for profit organisations and certain other bodies as set out in the Agreement by providing two possible options;
- the threshold at which a value-based fee will be payable; and
- a scale of ceilings for recoverable costs.

Comments are welcome on any aspect of the proposal and will be considered by the Preparatory Committee and its appropriate Working Groups prior to publication of an agreed fee structure

European Patent Litigation Certificate - draft proposal and public consultation

Published: Friday, 13 June 2014 13:08



Today the Legal Working Group of the Preparatory Committee has finalised its [proposals on the draft European Patent Litigation Certificate](#) and would like to publish this for 6 weeks allowing users to make comments and representations.

In addition, the draft proposals are accompanied by an [Explanatory Memorandum](#) which further details the background. The consultation will close at midnight on Friday 25 July 2014.

Comments must be sent electronically to secretariat@unified-patent-court.org. This email address is being protected from spambots. You need JavaScript enabled to view it.->

Public consultation on the Rules of procedure for the Unified Patent Court

Published: Tuesday, 25 June 2013 09:00



This consultation is now closed. Please refer to the [notice on the revised 16th draft of the Rules of Procedure](#).

When signing the Agreement on a Unified Patent Court, the Signatory States considered it of utmost importance that the Preparatory Committee would as one of its first activities complete a [draft of Rules of Procedure](#) on the basis of input of expert judges, lawyers and industry representatives. This draft should be the basis of broad consultation with stakeholders before it is finalised with a view to reaching agreement on it well before the end of the ratification procedures.

The Preparatory Committee is pleased that soon after its establishment it can present a draft of the said rules and as one of its first activities start the public consultation of stakeholders on the rules.

It is the Preparatory Committee's ambition to establish a patent court that meets users' and practitioners' demands and the Committee therefore attaches great importance to receiving input from stakeholders. Hence, users, practitioners and other interested circles are warmly invited to comment on the draft rules.

The draft Rules of Procedure have been prepared by a drafting Committee of expert judges and lawyers, and has been the subject of technical consultations with professional and industry bodies.

The Drafting Committee was composed as follows:

- Kevin Mooney (UK, Chairman)
- Klaus Grabinski (DE)
- Willem Hoyng (NL)
- Winfried Tilmann (DE)
- Pierre Véron (FR)
- Alice Pezard (FR)
- Christopher Floyd (UK)

The Preparatory Committee is very grateful to those that have been involved in the preliminary work and in particular owes many thanks to the members of the Drafting Committee for their invaluable contribution.

As from 25 June 2013 until 1 October 2013 the draft Rules of Procedure shall be open to written comments from stakeholders or other interested parties. Respondents are requested to send them to secretariat@unified-patent-court.org. Only contributions received through this address shall be considered.

The Committee shall only consider contributions from stakeholders and other interested parties whose identity can be established and who can be contacted at least via e-mail. Contributors who represent organisations are requested to indicate so. If not, their

contributions shall be considered to have been made in a personal capacity. Personal data (such as name and address of the contributor, name and type of the organisation, name of the contact person etc.) shall be kept only for the purpose of the consultation and may be used by the Committee or its experts for activities related to the consultation. Personal data shall not be given to third parties and shall be destroyed once the analysis of the consultation is completed. The Committee shall publish a summarized report of the contributions received.

According to the Roadmap for the Committee's work, the Committee shall after closure of the written phase of the public consultation ask the Drafting Committee to evaluate the contributions received and to make proposals and comments ensuing from the public consultation. Further, the Committee intends to organise a public hearing on the draft rules of procedure in early 2014. The European Commission shall be asked to advise on the compatibility of the Rules of Procedure with European Union law. This will form the basis for the Committee's Legal Framework Working Group to prepare the draft Rules of Procedure for approval by the Committee. As with all of the Committee's preparatory work, also the Rules of Procedure will need to be adopted by the UPC's Administrative Committee once it has been established.