



Maastricht University

Faculty of Law



EPLC

European Patent Litigation Certificate

Registration is open until 25 September 2023



Supported by the European Union



patentlitigationcertificate.eu



Aim of the EPLC

This course leads to the appropriate qualification for European patent attorneys (who are entitled to act as professional representatives before the EPO in accordance with Article 134 EPC) to represent parties before the Unified Patent Court according to Article 48 AUPC.

The EPLC is designed specifically for European patent attorneys in light of the particular needs of the profession.

Almost half of the course will be organised online. Participants can work using their own devices at home or in their offices. This will be reinforced by several short stays in Trier, during which participants will undergo intensive face-to-face training comprising interactive and practical exercises.

After online and oral examinations, the participating patent attorneys will be granted the EPLC entitling them to represent parties before the UPC.

About the partnership

The Academy of European Law (ERA) and Maastricht University (UM) are partnering to develop an attractive offering of professional training in a joint curriculum for patent attorneys wishing to appear before the Unified Patent Court (UPC).

This cooperation project was launched with the entry into force of the Protocol on Provisional Application of the UPC Agreement on 19 January 2022, which marked the birth of the Unified Patent Court as an international organisation.

ERA, as a renowned provider of professional training in EU law, and UM, as an international university of excellence, will offer a high-standard course giving patent attorneys the best tools to understand the legal framework and procedural rules necessary to litigate before the UPC.



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Terms & Conditions

Participation

According to Article 48 UPCA, to be able to represent a party before the Court, the patent attorney should first of all be entitled to act as a professional representative before the European Patent Office in accordance with Article 134 EPC. Proof of the entitlement will therefore be requested from participants wishing to obtain the EPLC.

National patent attorneys with knowledge and experience in patent law and litigation may be accepted on the basis of a proven track record.

Travel & Accommodation

Participants will organize their own travel and accommodation.

Language

Participants should have a working knowledge of English.

Costs

Participation fee: 3800 €

The price includes lunches and coffee breaks served during the face-to-face training sessions.

Contact



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Calendar of face-to-face activities

Date	Modules	Content	Training activities
Trier, Luxembourg, 27-28 September 2023	Module 1: Basics of EU Law Part 1	<ul style="list-style-type: none"> • The Unitary Patent System • The Unified Patent Court in context 	<ul style="list-style-type: none"> • Training on the role of the CJEU • Dinner and a night in Trier • Transport to CJEU in Luxembourg, briefing and hearing, guided tour of the CJEU
Trier, 19-23 February 2024	Module 4: The Unitary Patent: Regulations 1257/2012 and 1260/2012	<ul style="list-style-type: none"> • Enhanced cooperation • Translation regime • Unitary character • Coexistence with national systems • Rights conferred and limitations • Licences • Exhaustion • Role of EPO 	Interactive sessions/ practical exercises
	Module 6: Introduction to the Unified Patent Court	<ul style="list-style-type: none"> • Legal status of the UPC • Sources of law applicable to the UPC • Structure of the Court and the divisions • Jurisdiction and competences • Transitional period • The link between the UPC and the unitary patent 	Interactive sessions/ practical exercises
Trier, 13-17 May 2023	Module 7: Introduction to the UPC rules of procedure	<ul style="list-style-type: none"> • General rules before the Court of First Instance and the Court of Appeal, including official codes of conduct: formal requirements, parties, and representation as well as intervention, calculation of time periods, fees and legal aids, stay of proceedings • The language regime • Procedure before the Court of First instance • Procedure before the Court of Appeal • Enforcement of decisions • Court costs 	Interactive sessions/ practical exercises
	Module 8: Practice and case management before the UPC	<ul style="list-style-type: none"> • Preparing for written procedure: infringement actions, revocation actions, actions for declaration of non-infringement, actions for compensation for licences • Advice on settlement • Preparing for Interim procedure • Preparing for oral procedure • Producing evidence: witnesses and experts, means of evidence • Asking provisional measures (injunctions, preservation of evidence) and filing a protective letter • Raising language issues • Application for leave to appeal and procedure before the Court of Appeal • Damages actions 	Interactive sessions/ practical exercises
Trier, 17 May 2024	Examination	<ul style="list-style-type: none"> • Written examination • Oral examination 	



Calendar of online activities

Modules	Content	Training activities
Module 1: Basics of EU Law Part 2	<ul style="list-style-type: none"> • Evolution and constitutional foundations of the EU • Scope of the EU's competences • Legal acts of the EU, the hierarchy among them and their legal value • Other sources of EU law (general principles, jurisprudence) and their role in the legal system • Roles of the various institutions in the EU decision-making process and the decision-making itself • Application of EU law • Fundamental rights in the EU legal order and in the ECHR • Relevant substantive law of the EU (internal market and the four freedoms) 	E-presentations and tutorials
Module 2: Private law	<ul style="list-style-type: none"> • International jurisdiction: Brussels I and Brussels Ibis • Cross-border enforcement of judgments • Alternative Dispute Resolution with a special focus on Online Dispute Resolution • Applicable law to contracts and torts: Rome I and Rome II • Private law, especially contract law and tort law, including aspects of European, continental and common law • Private International law on transfer of IP rights and accessory rights (priority rights) 	E-presentations and tutorials
Module 3: Patent law in the EU	<ul style="list-style-type: none"> • Biotechnological inventions and plant variety rights: law and case law from the CJEU • Supplementary protection certificates: law and case law from the CJEU • Competition law and patent law (focus on high technologies and pharmaceutical sectors): patent settlements and patent abuse under Article 102 TFEU, compulsory licences, FRANDS, agreements contrary to Article 101 TFEU, unfair competition • Relationship between patent law and other IP rights: copyright, design, utility models, trade secrets • European harmonisation of patent law and other IP Rights as a result of TRIPS under the jurisdiction of the CJEU 	E-presentations and tutorials
Module 5: Enforcement of rights	<ul style="list-style-type: none"> • Civil and border measures: Directive 2004/48 and Regulation 608/2013 • Procedural rules of the EU criminal justice framework and Institutional issues and cooperation mechanisms (Europol, Eurojust, EJP) • Cross border patent infringement • Patent infringement and patent nullity proceedings in several contracting Member States • Litigation patent strategies in Europe 	Interactive sessions/ practical exercises
Examination	Written examination: Multiple choice questions, as well as drafting of procedural acts, submissions, drafting decisions based on case materials	Online examination: quiz and prepared works (e.g. mock trial briefs and written assignments)

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