



Administrative Committee

Special Rules of the Administrative Committee for the period of provisional application of the Agreement on a Unified Patent Court

Luxembourg, 22 February 2022

Explanatory Note

Given the variety of tasks to be completed during the period of provisional application of the UPC Agreement, it is suggested to cater for a somewhat simplified regime for the Administrative, Budget and Advisory Committee in order to provide the necessary flexibility for the decision-making processes of the different Committees. In particular, the Committees will need to have flexibility in their meetings concerning e.g. place, convocation of meetings, agenda, deadlines, etc. Therefore, in addition to the adoption of their Rules of Procedure, it is suggested that each Committee adopts specific provisions or exemptions which will apply for the duration of the provisional application period.

The proposal submitted to the Administrative Committee for adoption had been presented to the Preparatory Committee in document PC/02/May2016 and agreed at its 16th meeting on 26 May 2016.

Decision of the Administrative Committee

of 22 February 2022

SPECIAL RULES OF THE RULES OF PROCEDURE OF THE ADMINISTRATIVE COMMITTEE FOR THE PERIOD OF PROVISIONAL APPLICATION OF THE AGREEMENT ON A UNIFIED PATENT COURT

THE ADMINISTRATIVE COMMITTEE OF THE UNIFIED PATENT COURT

Having regard to the Agreement on a Unified Patent Court (hereinafter referred to as “the Agreement”), in particular Article 12 thereof,

Whereas:

(1) In accordance with Article 1 of the Protocol to the Agreement on a Unified Patent Court on provisional application, the institutional, organisational and financial provisions of the Agreement shall enter into provisional application, upon the entry into force of said Protocol.

(2) In accordance with Article 11 of the Agreement, an Administrative Committee, a Budget Committee and an Advisory Committee shall be set up in order to ensure the effective implementation and operation of the Agreement.

(3) Pursuant to Article 12(4) of the Agreement, the Administrative Committee shall adopt its rules of procedure.

(4) In order to allow for greater efficiency of the Administrative Committee during the period of provisional application, by simplifying and speeding up procedures where appropriate,

HAS ADOPTED THIS DECISION:

Article 1

During the period of provisional application of the UPCA, the Rules of Procedure of the Administrative Committee are amended as follows:

- 1) **Article 1** is amended as follows:
 - (a) in paragraph 1, the term “President of the Court of Appeal” is replaced by “Chair of the Preparatory Committee”;
 - (b) paragraph 2 is replaced by the following: “(2) The first members of the Committee shall take up their duties on the date of the inaugural meeting of the Committee.”

- 2) In **Article 4**, paragraph 1, the term “President of the Court of Appeal” is replaced by “Chairperson of the Committee”;

- 3) **Article 6 is amended as follows:**
 - (a) The following sentence is added at the end of paragraph (1): “The inaugural meeting of the Committee shall be convened by the Chair of the Preparatory Committee and shall be scheduled for the first days of the period of provisional application of the Agreement.”
 - (b) paragraph 3 is replaced by the following: “(3) For the period of provisional application of the Agreement, the Committee shall define its work programme and schedule its meetings as far as possible during its inaugural meeting.”
 - (c) the following paragraph is added: “(5a) When circumstances require, and provided that a majority of the members does not object, the Chairperson of the Committee shall be able to abridge the notice period for the convocation of the Committee’s meetings during the period of provisional application [...] of the Agreement.”
 - (d) paragraph 7 is replaced by the following: “(7) During the period of provisional application [...] of the Agreement the Chairperson in the consultation with the members shall fix the place where the meeting shall be held.”

- 4) In **Article 7**, the following paragraph is added: “(10) During the period of provisional application [...] of the Agreement, the Chairperson shall be able to abridge the deadline under paragraphs 1 and 3 as necessary.”

Article 2

During the period of provisional application, the application of paragraph 1, the second sentence of paragraph 2 and paragraph 3 of Article 10 shall be subject to the discretion of the Chairperson, after having heard the Committee and after having specific regard to the necessities and circumstances of this special period.

Article 3

This decision shall enter into force on 22 February 2022.

Done at _____ on _____

For the Administrative Committee

The Chairman