



# Administrative Committee

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## Staff Regulations of the Unified Patent Court

Luxembourg, 22 February 2022

**DECISION OF THE ADMINISTRATIVE COMMITTEE OF 22 FEBRUARY 2022 ON THE  
STAFF REGULATIONS OF THE UNIFIED PATENT COURT**

THE ADMINISTRATIVE COMMITTEE

HAVING REGARD to the Statute of the Unified Patent Court and in particular Articles 12 and 16 (2) thereof;

HAVING REGARD to the Agreement on a Unified Patent Court and in particular Articles 37 (1) thereof;

RECALLING THAT the Staff Regulations of the Unified Patent Court should be such as to secure for the Court the services of staff of the highest standard of independence, integrity and ability, appointed on the broadest possible geographical basis from among Contracting Member States of the Agreement on a Unified Patent Court;

HAVING REGARD to the Protocol on the Privileges and Immunities of the Unified Patent Court and in particular Articles 8 thereof;

HAS ADOPTED THESE REGULATIONS:

**TITLE I  
GENERAL PROVISIONS**

**Article 1  
Definitions and general principles of interpretation**

1. For the purposes of these Regulations:

- a) "Court" means the Unified Patent Court;
- b) "Agreement" means the Agreement on a Unified Patent Court;
- c) "Statute" means the Statute of the Court as set out in Annex I of the Agreement;
- d) "EPO" means the European Patent Office;
- e) "staff" means all persons employed by the Court except the judges, the Registrar and the Deputy Registrar;
- f) "Appointing Authority" means the Registrar for staff of the Court of Appeal, the staff of the Court of First Instance, the staff of the Training Centre of the Court (TC), and the staff of the Patent Mediation and Arbitration Centre of the Court (Centre); and the Administrative Committee for the Director of the Centre and the Director of the TC;
- g) "Contracting Member State" means a Member State of the European Union party to the Agreement.

2. For the purpose of the following provisions and their annexes, a staff member who has entered into a registered partnership recognised by law in one of the Member States of the European Union as a relationship of mutual dependence between two partners shall be considered as married staff and their partners as spouses, provided that all the following conditions are met:

- a) the partner must be at least 18 years of age;
- b) the partnership can only be with one person at a time;

- c) no blood relationship between the partners exists that would preclude their marriage under the relevant national law;
- d) neither of the partners is married or has already entered into another registered partnership. For any such relationship, proof must be produced that it has been legally terminated.

3. Words importing the masculine gender shall include all genders.

## **Article 2 Purpose**

These Regulations set the conditions of service and the rights, duties and obligations of the staff.

## **Article 3 Scope**

1. These Regulations shall apply to the staff, appointed in accordance with these Regulations.
2. These Regulations, with the exception of Articles 4, 5, 6 and 7 shall not apply to the administrative support staff provided by Contracting Member States under Article 37 (1) of the Agreement.

## **TITLE II RIGHTS AND OBLIGATIONS**

### **Article 4 Duties**

In accordance with Article 16 of the Statute, the staff shall have the task of assisting the President of the Court of Appeal, the President of the Court of First Instance, the judges and the Registrar. In performing their duties with the Court, they shall be responsible to the Registrar, and in case of the staff of the TC and of the Centre also to the respective Directors, under the authority of the President of the Court of Appeal and the President of the Court of First Instance.

### **Article 5 General conduct**

1. In performing their duties with the Court, the staff shall neither seek nor accept instructions from any Government or from any source outside of the Court.
2. The staff shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. Specific guidelines regarding incompatible functions of the staff shall be adopted by the Administrative Committee at the proposal of the Registrar.
3. The staff shall exercise utmost discretion in regard to all matters of official business. They shall not communicate to any person any information acquired in the course of their function and which is not

made public, except in the course of their duties or by authorisation by the Registrar. These obligations shall not cease upon termination of service.

4. The staff shall uphold the highest standards of competence and integrity. The concept of integrity includes, but is not limited to: probity, impartiality, fairness, honesty and truthfulness.

5. The staff shall not accept any gifts, honours, decorations or remuneration from a source external to the Court if such acceptance would be incompatible with the duties of the concerned staff member.

### **Article 6 Equal treatment**

1. Any discrimination based on grounds such as sex, age, race, colour, ethnic or social origin, disability, sexual orientation, religion, belief or political opinion shall be prohibited.

2. Where a person covered by these Regulations considers that he is subject to discrimination, as defined above, he shall have the right to lodge a complaint with the President of the Court of Appeal. If the facts set out in said complaint are sufficient to bring forth the presumption of discrimination, the onus shall be on the Court to prove that said person was not subject to discrimination.

3. Suitable action shall be taken by the Court to remove any discrimination and to avoid discrimination.

### **Article 7 Use of property and assets**

The staff shall use the property and assets of the Court only for official purposes and shall exercise reasonable care when utilizing such property and assets.

### **Article 8 Financial obligations**

The staff may be required to reimburse or compensate the Court, either partially or in full, for any financial loss suffered by the Court as a result of gross negligence, malice or fraud.

### **Article 9 Obligation to inform about relevant circumstances and financial assistance**

1. The staff shall immediately inform in writing and bring appropriate proof to the Registrar about any change of circumstances determining entitlement to any payments according to these Regulations.

2. The staff, whoever the recipient of such amounts, shall immediately inform the Registrar about any financial assistance received from a different source, of the same nature or the same purpose, which shall be deducted from the payments according to these Regulations.

3. The fact that both spouses/partners are appointed by the Court does not lead to a double entitlement to benefits depending on their nature, such as family allowances.

#### **Article 10**

##### **Limitation of claims against the Court and reimbursement of overpayments**

1. Claims against the Court for payment of salary, allowances or of other sums resulting from the application of these Regulations, shall lapse two years after the date on which the payment would have been due. However, requests for allowances provided for in these Regulations shall give rise to a retroactive payment of the corresponding sums backdated to no more than one month from the date the Court received written notification of the facts determining entitlement to these payments, supported by appropriate documentation.

2. The right of the Court to recover any payment made unduly shall lapse two years after the date on which the Court became aware that the payment was undue.

3. The limitation shall be interrupted by a claim in writing submitted before the expiry of the period of limitation.

4. There shall be no limitation if the information provided was misleading or if it was withheld as a result of a lack of good faith or gross negligence.

5. Recovery shall be made by deductions from the monthly payments (e.g. salary) or other payments due to the person concerned, taking into account his social and financial situation, even after termination of employment.

#### **TITLE III**

#### **RECRUITMENT**

#### **Article 11**

##### **Appointing Authority**

1. The staff shall be appointed by the relevant Appointing Authority as defined in Article 1 f) of these Regulations.

2. The staff of the TC and the staff of the Centre shall be appointed by the Registrar on the proposal of the respective director of the TC and of the Centre.

#### **Article 12**

##### **Recruitment and qualifications**

1. Vacancies shall be publicly advertised and shall indicate the relevant eligibility criteria and the modalities of service.

2. The staff shall be nationals of a Contracting Member State of the Agreement, unless an exception is authorised by the Appointing Authority.

3. They shall have a good command of at least one official language of the EPO.

**Article 13**  
**Medical fitness for office and examination**

1. Prior to appointment, a successful candidate shall submit to the Registrar a certificate in one of the official languages of the EPO that he is medically fit to carry out the duties of the office. The Appointing Authority may require that the certificate is issued by a physician designated by the Administrative Committee.
2. The staff shall be required to undergo an examination of medical fitness for office held every 3 years, or any medical examination ordered as a general measure by the Registrar.

**Article 14**  
**Letter of appointment**

On appointment, the staff shall receive a letter of appointment drawn up in accordance with Annex II of these Regulations. Such letter of appointment shall contain expressly or by reference all terms and conditions of employment. With the letter of appointment, a copy of these Regulations shall be provided.

**Article 15**  
**Probation**

The staff shall serve a six-month probationary period before being confirmed.

**TITLE IV**  
**CONDITIONS OF SERVICE, REMUNERATION AND ALLOWANCES**

**Article 16**  
**Working hours and public holidays**

1. The Registrar shall set the working hours of the Court, having due regard to public holidays and normal working hours.
2. The Registry and each sub-registry shall be open to the public at least from Monday to Friday, from 09.00 until noon and from 14.00 until 16.00 local time, except during the official holidays established by the President of the Court of Appeal.
3. At the Centre and the TC, the working hours are set by the Directors.

**Article 17**  
**Full-time and part-time staff**

1. A full-time working week shall be of 40 hours.
2. Based on the requirements for a position at the Court, the Appointing Authority can decide to appoint the staff on a part-time basis. This condition shall be clearly stipulated in the vacancy for the post. A part-time appointment shall be expressed as a percentage based on the regular full-time working hours.
3. The staff can also be appointed on a part-time basis if they retain another employment, in so far as said employment does not lead to a conflict of interests with their duties at the Court.

**Article 18**  
**Overtime**

Modalities of overtime work shall be set by the Registrar.

**Article 19**  
**Classification of posts and remuneration**

1. The classification of posts and salaries of the staff are fixed in Annex I of these Regulations.
2. Remuneration of full-time staff shall comprise basic salary and, if applicable, allowances.
3. Basic salary shall be understood as the salary before deduction of internal tax.
4. Staff with part-time status shall be entitled to a *pro rata* basic salary and, if applicable, *pro rata* allowances.
5. The modalities of the payment of remunerations shall be set by the Registrar.

**Article 20**  
**Update of remuneration**

The Administrative Committee, based on rules set out by the Administrative Committee and on a proposal from the Budget Committee, shall decide each year on the adjustment of the remuneration of the staff.

**Article 21**  
**Family allowances**

1. Family allowances shall comprise the following:
  - a) The household allowance shall be set at a basic amount of half of the dependent child's allowance provided for under sub-paragraph c), plus 2% of the monthly net salary.
  - b) The education allowance shall be granted up to a maximum of 255 EUR/child per month, to

expatriate staff.

- c) The dependent child's allowance shall be set at 296 EUR/child per month.
- d) The disabled or severely disabled child allowance and reimbursement for education and/or training costs that are related to the disability. The disabled child allowance shall be a monthly basic amount equal to the dependent child's allowance. The severely disabled child allowance shall be a monthly basic amount equal to double the disabled child allowance. Reimbursement of education and training expenses shall amount to 90% of the expenses defined in the Implementing instructions, as set out in Article 42(1) of these Regulations, on the basis of the remaining amount of expenses after the deduction of any payments that have been received from any other sources and for the same purpose. Only those expenses incurred with a view to providing the disabled or severely disabled child with access to an education or training programme designed to meet his needs in order to obtain the best possible functional capacity, and which are not otherwise covered by the provisions governing the education allowance, shall be eligible for reimbursement.

2. Part-time staff shall receive family allowances on a *pro rata* basis.

3. A staff member entitled to any of the above mentioned allowances shall be required to report to the Registrar any payments of the same nature or for similar purpose that are received from other sources by him, his spouse or the child's other parent. The amounts of any such payments shall be deducted from the benefits paid under these Regulations.

4. In case of shared or alternate custody, the payment of the allowances shall be shared equally between the two staff members employed by the Court who are the child's parents. However, the parents may decide by mutual agreement which of them will receive the allowances.

## **Article 22** **Dependent child's allowance**

1. Any child, who is born to, or adopted by a staff member or his spouse and who is dependent on a staff member or his spouse for main and continuing support shall be considered a dependent child provided the child:

- a) is under eighteen years of age, or
- b) is between eighteen and twenty-six years of age, is receiving school or university education or vocational training, and is not gainfully employed.

2. For the purpose of paragraph 1, the child shall be considered as gainfully employed if his own income, whatever the nature, is higher than 35% of the lowest salary in the salary grid applicable to the staff of the Court.

3. Any disabled or severely disabled child who is dependent on a staff member or his spouse for main and continuing support, shall also be considered a dependent child.



**Article 23**  
**Disabled or severely disabled child allowance**

A disabled or severely disabled child allowance and reimbursement for education and/or training costs that are related to the disability shall be paid, in addition to the dependent child's allowance, for any dependent child of any age medically certified with a disability and necessitating either special care, supervision, special education or training, not provided free of charge, within the meaning of these Regulations.

- a) Any staff member with a child with a medically-attested disability and requiring permanent care from a third person – or if the spouse has given up work to provide the requisite care for the disabled child or has never worked in order to look after the disabled child – shall be eligible for a disabled or severely disabled child allowance.
- b) The child should be considered as dependent at the time the disability is recognised.

**Article 24**  
**Expatriation allowance**

1. The expatriation allowance, payable up to a period of maximum 5 years to a full-time staff member, shall be equal to 10% of the first monthly net salary.

2. The expatriation allowance shall be paid to a staff member:

- a) if he is not and has never been a national of the country where he is posted, and
- b) if during the five years ending six months before the date on which he entered the service, he did not habitually reside or carry on his main occupation in that country. For the purposes of this provision, circumstances arising from work done for another country or for an international organisation shall not be taken into account.

3. A staff member who is not and has never been a national of the country in whose territory he is employed and who does not fulfil the conditions laid down in paragraph 2 shall be entitled to a foreign residence allowance equal to one quarter of the expatriation allowance.

**Article 25**  
**Installation allowance**

1. The staff shall be entitled to an installation allowance, which equals:

- a) two months' basic salary in the case of a staff member who is entitled to the household allowance, or
- b) one month's basic salary in other cases.

2. The staff shall receive an installation allowance upon furnishing evidence that a change in the place of residence was required in order to satisfy the requirements of these Regulations.

**Article 26**  
**Training costs**

The costs of the training of the staff shall be borne by the Court. Staff participating in such training shall be entitled to the reimbursement of travel expenses incurred in connection with such training and to daily allowance, in accordance with these Regulations and in line with the travel policy agreed upon by the Administrative Committee.

**Article 27**  
**Mission expenses**

1. Staff, travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily allowance in accordance with these Regulations and in line with the rules agreed upon by the Administrative Committee.

2. The reimbursement of travel expenses shall be limited to the cost of the most appropriate but economical journey between the place of employment and the place of mission.

**Article 28**  
**Separation from service**

Service shall be terminated by:

- a) end of the term of appointment;
- b) resignation pursuant to Article 29 of these Regulations;
- c) dismissal by the Appointing Authority:
  - i. for inappropriate performance;
  - ii. as a result of disciplinary measures, under Article 39 of these Regulations;
- d) retirement; or
- e) death.

**Article 29**  
**Resignation**

1. A staff member wishing to resign shall state unequivocally in writing his intention to terminate his service.

2. The Appointing Authority shall take its decision confirming the resignation within one month of receiving the letter of resignation by the Registrar. The Appointing Authority may, however, refuse to accept the resignation if disciplinary proceedings against the staff member are in progress or are due to start.

3. Resignation shall take effect on the date specified by the Appointing Authority; that date shall not be more than three months after the date proposed by the staff member in his letter of resignation.

**Article 30**  
**Inappropriate performance**

The Administrative Committee shall define procedures to identify, deal with and remedy in a timely and appropriate fashion cases of serious breach of obligations either wilfully or by gross negligence.

**Article 31**  
**Retirement**

1. Staff shall retire automatically at the age of 65.
2. By decision of the Registrar, a staff member can remain at his function for a limited amount of time past the age of 65. Such an extension can be given only one year at a time.

**TITLE V**  
**LEAVE**

**Article 32**  
**Annual leave**

1. All full-time staff shall accrue annual leave at the rate of 2.5 days for each calendar month of service, or any fraction thereof to the nearest half-day.
2. Part-time staff shall be entitled to leave on a *pro rata* basis.
3. All arrangements as to leave shall be subject to the exigencies of service.
4. Annual leave may be taken in units of days or half-days.
5. For full-time staff, annual leave may be accumulated, provided that not more than 12 days of such leave are carried forward beyond 1 January of any year.
6. Upon end of duties, any outstanding accrued annual leave, up to a maximum of 12 days, shall be paid to the full-time staff. Similarly, any advance annual leave outstanding upon end of duties shall be treated as indebtedness to the Court.
7. Annual leave shall accrue during certified sick leave, birth leave and special leave.

**Article 33**  
**Birth leave**

1. Paid birth leave shall be granted to staff.

2. a) An expectant mother shall be entitled, on the basis of a medical certificate stating the probable date of confinement, to birth leave on full pay beginning not more than six weeks before the date indicated on the certificate and ending ten weeks after the date of the confinement.

b) Except for the cases referred to in paragraphs c) and d), when an expectant mother has already had two live births or she or the household already has at least two dependent children under age twenty living in the household, the period of leave on full pay shall be extended to eight weeks before the expected date of confinement and to eighteen weeks after the date of birth.

c) Where twins are expected, the period of leave on full pay shall be increased to twelve weeks prior to the expected date of confinement and to twenty-two weeks after the date of birth.

d) Where triplets or more children are expected, the period of leave on full pay shall be increased to twenty-four weeks prior to the expected date of confinement and to twenty-two weeks after the date of birth.

3. Following the birth of his child or children, a staff member who is a new parent and who is not the parent who has given birth shall be entitled to non-fractionable birth leave on full pay of 14 calendar days in the event of a single birth and 21 calendar days in the event of a multiple birth. This leave must be taken within 4 months of the birth or it will be lost. A similar leave shall be granted following the adoption of the child. Such leave may not, however, be cumulated with the adoption leave referred to in paragraph 4 of this Article.

4. A staff member with whom a child is placed for adoption by an adoption service recognised by the legislation of the country of residence shall be entitled to ten weeks leave on full pay, or twenty-two weeks leave on full pay in the event of a multiple adoption, starting from the date of the child's (or children's) arrival in his home.

### **Article 34 Parental leave**

1. The staff shall be entitled to up to 120 working days parental leave for every dependent child - born after the date of appointment - to be taken before the child's twelfth birthday. This entitlement shall be doubled for single parents.

2. During parental leave, staff shall cease to be entitled to remuneration, but shall be paid a monthly allowance equal to 1.100 €. Part-time staff shall be entitled to a monthly allowance on a *pro rata* basis. They shall continue to be entitled to the dependent child allowance and the education allowance, but shall not accrue annual leave.

3. During parental leave, staff shall remain a member of the Court's Medical and Social Security Plan, if applicable. Contributions to the Courts' Medical and Social Security Plan shall be borne in full by the Court, calculated on the basis of the remuneration (without allowances) immediately before the parental leave.

4. During periods of parental leave staff membership of the Court's pension scheme, if applicable, shall be suspended, unless he asks to become a voluntary member thereof. The staff member concerned shall then pay his contribution to the pension scheme in full, calculated on the basis of conditions immediately before the parental leave.

**Article 35**  
**Sick leave**

1. Staff who provides evidence of being unable to carry out their duties by reason of illness or accident shall be entitled to sick leave.
2. The staff concerned shall produce a medical certificate if they are unable to carry out their duties for more than three days. Failing this, and unless failure to produce the certificate is due to reasons beyond their control, they shall not be considered entitled to sick leave.
3. Sick leave shall be granted for an initial period of up to four months during any one year of service, but not more than four consecutive months.
4. Staff may be entitled to an extended sick leave for a period of not more than 20 months upon the expiry of their sick leave provided for in paragraph 3.
5. A staff member who has absented himself from duty for reasons of sickness or accident and who does not produce the medical certificate required under the Implementing instructions as set out in Article 42(1) of these Regulations, shall forfeit annual leave entitlement equal to the number of days of uncertified absence or, if the staff member has exhausted his entitlement to annual leave, shall forfeit his entitlement to salary for the same period.
6. Where staff on extended sick leave become fit to resume work and cannot be reinstated in their category and grade because, after a period of research of three months, no functions corresponding to their qualifications and experience are available within the Court, or where a staff member is not fit for service at the end of a period of extended sick leave, the Appointing Authority shall terminate the appointments of such staff member.
7. Staff placed on extended sick leave:
  - a) shall not be entitled to periodic advancement, annual paid leave, or, in general, to any other right based on length of service with the Court;
  - b) shall continue to pay contributions to the Pension Plan;
  - c) shall be entitled to any benefits payable in accordance with Article 38 of these Regulations.
8. Where a staff member on extended sick leave is declared medically fit for service by the designated physician:
  - a) the Registrar shall, for a period of three months as from the declaration of fitness, look for available functions within the Court corresponding to his qualifications and experience, unless the staff member renounces thereto in writing.
  - b) During the period of research referred to in paragraph a) above, the staff member shall be placed on special leave.
  - c) If functions corresponding to the qualifications and experience of the staff member are available during the period of research, those functions shall be assigned immediately to him. If, at the end of the period of research, no functions corresponding to the qualifications and experience of the staff member are available, the Appointing Authority shall terminate his appointment.

**Article 36**  
**Special leave**

In addition to annual leave, the staff may, on application, be granted by the Registrar up to 10 days special leave *per annum*. A limited number of additional days of special leave may be granted in exceptional and duly justified circumstances. Part-time staff shall be entitled to special leave on a *pro rata* basis.

**Article 37**  
**Official holidays**

Lists of official holidays, including public holidays, shall be drawn up by the President of the Court of Appeal.

**TITLE VI**  
**MEDICAL AND SOCIAL SECURITY AND PENSION BENEFITS**

**Article 38**  
**Medical and Social security Plan and Pension Plan**

Staff shall be entitled:

- a) to benefits in case of sickness, maternity, work accident, invalidity or death, under the Medical and Social Security Plan of the Court, in accordance with Annex III;
- b) to benefits under the Pension Plan of the Court, in accordance with Annex IV.

**TITLE VII**  
**DISCIPLINARY MEASURES AND APPEALS**

**Article 39**  
**Disciplinary measures**

1. If the staff do not respect the obligations arising from their employment at the Court, the Registrar, after hearing the person concerned, may formally in writing put the person on notice of such failure. If the person continues not to fully respect his obligations, the Registrar may decide on further disciplinary measures.
2. Disciplinary measures shall take one of the following forms:
  - a) written warning;
  - b) reprimand;
  - c) reduction of salary or of pension;
  - d) removal from office.

**Article 40**  
**Internal Appeal Board**

1. An Internal Appeal Board shall be established. The Internal Appeal Board shall adopt its rules of procedure.
2. The Internal Appeal Board shall consist of a chairman and four members.
3. The President of the Court of Appeal shall provide the staff necessary for the Internal Appeal Board to carry out its functions.
4. The Internal Appeal Board shall be bound to secrecy.
5. The chairman and members of the Internal Appeal Board shall be completely independent in the performance of their duties. They shall neither seek nor accept any instructions.
6. The chairman and the members of the Internal Appeal Board shall not take part in appeal proceedings in which they have a potential conflict of interest. In case of such conflict of interest, the Presidium shall provide for the replacement of the member concerned.

**Article 41**  
**Complaints to the Internal Appeal Board**

1. Any staff member may, in relation to his employment at the Court, submit to the Internal Appeal Board a complaint against an act affecting him adversely - either by a decision taken or by failure to adopting a measure. The complaint must be lodged within one month running from the date of notification of the decision to the person concerned or from the date of expiry of the period prescribed for reply.
2. The Internal Appeal Board shall notify the person concerned of its reasoned decision within three months from the date on which the complaint was lodged.

**TITLE VIII**  
**FINAL PROVISIONS**

**Article 42**  
**Detailed implementation**

1. The Implementing instructions of articles in these Regulations and of articles in Annexes III and IV shall be set and amended by the Registrar, after having informed the Administrative Committee about any intended amendment.
2. In case of conflict between the provisions of articles in these Regulations and of articles in Annexes III and IV and of the Implementing instructions, the provisions of the articles in these Regulations and of the articles in Annexes III and IV shall prevail.

**Article 43**  
**Entry into force**

These Regulations shall enter into force on 22 February 2022.

For the Administrative Committee

[Signature and name of the Chairperson] The Chairperson