



The Presiding Judge of the Local Division in Munich

Order for the proper conduct of hearings
(R. 111 ROP)
applies from 12 September 2023

Translation of the original order.
In case of doubt, the German version applies.

Date: 12 September 2023
Location: Munich

ORDER FOR THE PROPER CONDUCT OF HEARINGS
ISSUED BY THE PRESIDING JUDGE
OF THE LOCAL DIVISION IN MUNICH (R. 111 ROP)
12 September 2023

THE PRESIDING JUDGE OF THE LOCAL DIVISION IN MUNICH HEREBY ISSUES THE FOLLOWING ORDER IN ACCORDANCE WITH RULE 111 OF THE RULES OF PROCEDURE:

ORDER FOR THE PROPER CONDUCT OF HEARINGS

Part 1: Conduct of oral hearings

1.

The oral hearings of the Local Division in Munich take place regularly in Denisstraße 3, 2nd floor, Hearing room 212, Munich. Oral hearings are in principle open to members of the public but may be held behind closed doors in certain cases.

2.

A total of 16 seats are reserved in the hearing room for the parties and their legal and patent attorney representatives. The allocation of seats is made in consultation with the presiding judge. For this purpose,

a list of the names of the participants in the hearing must be sent to the e-mail address of the Registry of the Local Division in Munich at contact_munich.loc@unifiedpatentcourt.org, no later than on the fifth working day before the commencement of the oral hearing with the title "List of participants in the hearing ... [insert name of claimant or defendant or intervening party] - oral hearing of ... [insert date]". In the case of larger teams, it is recommended to request (partial) participation by video conference. Other participants in the proceedings are admitted as observers.

3.

A maximum of 10 seats are available for observers in the hearing room. A maximum of 27 further seats are available in room 220b, of which a maximum of 12 have table space. An audio and video feed are provided from the hearing room to this overflow room. There is no right to obtain or retain a seat with table space in room 220b.

4.

In the event of a high level of public interest in the oral hearings, it may not be possible to provide a seat to all persons who wish to attend the oral hearing as observers and/or media representatives. For that reason, seats are allocated as follows:

- a. 4 seats are reserved for media representatives out of a maximum of 10 seats allocated to observers in room 212, and a further 4 are reserved for media representatives out of the maximum of 27 seats allocated to observers in room 220b. Seating for media representatives is allocated by means of accreditation in accordance with Part 2 of this order.
- b. Observers shall receive a seating card from a member of the security office of the Munich Regional Court II in the order in which they arrive at the entrance gate. Seating cards for room 212 are distributed first, followed by seating cards for room 220b. The seating card must be returned at the entrance gate when leaving the building for

more than a short period of time. The members of the security office of the Munich Regional Court II shall enforce this at their own discretion. This seating card may then be assigned to other interested parties.

c. Exchanging a seat in room 220b for a vacated seat in room 212 and vice versa is only possible during breaks in the proceedings and only on specific instruction by the members of the security office of the Munich Regional Court II.

d. The members of the security office of the Munich Regional Court II shall decide at their own discretion whether observers who have missed out on a seating card but who wish to wait for one that becomes available may remain inside the building for this purpose. Observers without a seating card are not permitted to remain in room 212 or room 220b. Standing and sitting on the floor, tables or windowsills is also prohibited. Remaining for extended periods of time in the corridor behind the glass door (in front of rooms 213- 221) is prohibited. On the specific instructions of the

members of the security office of the Munich Regional Court II, observers may remain in the area in front of the lifts on the second floor or in other parts of the building. However, oral hearings or employees must not be disturbed.

5.

The entrance gate is staffed from 7:30 a.m. If the meeting begins at 9:00 a.m., hearing room 212 and room 220b will open at approximately 8:15 a.m. Seats must be taken by 8:45 a.m. If the meeting starts at a different time, the above times shall be adjusted accordingly. Early arrival is recommended to allow for security checks.

6.

Media representatives also receive seating cards as part of the accreditation procedure. The seating card must be returned at the entrance gate when leaving the building for more than a short period of time. The members of the security office of the Munich Regional Court II shall ensure this at their own discretion. Seating cards that have not been claimed in due time or

returned may be distributed to other interested parties (media representatives or observers) by the members of the security office of the Munich Regional Court II.

7.

Making video or audio recordings during the oral proceedings or streaming the oral proceedings is prohibited. This also applies to the audio and video signal transmitted to room 220b or sent as a video conference signal.

8.

Photographers and camera operators may remain briefly in hearing room 212 without a seating card before the start of the hearing until it is called, to provide photographic coverage within the usual framework.

9.

The activities of private service providers (interpreters, stenographers, etc.) by video conference and/or in the hearing room and/or in room 220b shall be subject to prior authorization from the presiding judge. In this

regard, reference is made to Rule 109.4 of the Rules of Procedure.

10.

The parties to the proceedings are advised that the observers' seats are located behind the seats allocated to the parties to the proceedings. It is advised to take appropriate precautions to prevent the disclosure of confidential information (e.g. laptop screen protector).

11.

The participants in the hearing shall be informed that a video conference may take place in room 212, but that independently of this, video and audio will be transmitted to room 220b. Furthermore, the sound in room 212 will be recorded in accordance with Rule 115, second sentence of the Rules of Procedure.

Part 2: Implementation of the accreditation procedure

1.

Representatives of the media may only be accredited after an application is made by e-mail with the title "Press seating card assignment – oral hearing of ... [insert date]" and the submission of a valid press card or other proof of press affiliation to the e-mail address of the Local Division in Munich at contact_munich.loc@unifiedpatentcourt.org.

Applications for accreditation received by other means (e.g. by fax, in writing or sent to other e-mail addresses) cannot be considered and will not be forwarded.

2.

No separate form is required for accreditation.

Accreditation takes place one week before the oral hearing on a Monday from 9:00 a.m. to 11:00 a.m. If this day is a public holiday, accreditation will take place on the following working day. Accreditation applications received before the start of or after the accreditation period will not be considered. If an oral hearing is

scheduled to take place over several days, accreditation must be carried out separately for each day.

3.

Seating cards are allocated in the order in which accreditation applications are received by the staff of the Registry of the Local Division in Munich.

Seating cards for hearing room 212 will be allocated first, followed by seating cards for room 220b.

4.

Each media or press body may participate in the accreditation procedure with any number of persons but is only entitled to one seating card at a time.

5.

The seating cards must be claimed from the gate by 8:40 a.m. on the day of the hearing (for hearings beginning at 9:00 a.m.). If the meeting starts at a different time, the time shall be adjusted accordingly. Seating cards not claimed in due time may be assigned to other interested parties (other media

representatives or observers) by members of the security office of the Munich Regional Court II.

6.

Accredited persons may not cede their seating card or their right to receive a seating card to another person.

7.

The result of the accreditation procedure will be announced separately by the staff of the Registry of the Local Division in Munich on the Thursday of the week preceding the hearing by 1 p.m. at the latest. If that Thursday is a public holiday, the announcement will be made on the following working day (excluding Saturdays).

Part 3: Implementing provisions.

1.

The staff of the Registry of the Local Division in Munich and the members of the security office of the Munich Regional Court II shall be entrusted with the implementation of this order.

2.

The presiding judge reserves the right to make changes at short notice and to issue individual instructions that deviate from the provisions of this order.

Dr Zigann

Presiding Judge