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SUBJECT: Updated timeline for the work of the Select Committee

SUBMITTED BY: Chairman of the Select Committee

ADDRESSEES: Select Committee of the Administrative Council (for information)

This document was originally submitted to the Select Committee under a different number. It is hereby submitted for information under the principles of the Select Committee's communication policy.

This document has been issued in electronic form only.

I. INTRODUCTION

Following the EU Council's adoption of Regulations 1257/2012 and 1260/2012 and the signature of the Agreement on a Unified Patent Court (UPC), reform of Europe's patent system has entered a new phase. This requires mutually aligned work from the Select Committee for the unitary patent and the preparatory committee for the UPC.

On 20 March, the Select Committee held its inaugural meeting and took various procedural and organisational decisions.

At this meeting, it also held a first discussion on its work timetable, bearing in mind the link between the unitary patent system and the entry into force of the Agreement on the UPC – which a *tour de table* showed will probably occur in early 2015.

On 29 May, it held a second meeting and discussed a first draft of its work programme.

Following on from those two meetings, the present document outlines how to organise the Select Committee's work in 2013 and 2014 so that EU Regulations 1257/2012 and 1260/2012 can apply as from early 2015. It can be updated if the underlying parameters change.

II. TASKS OF THE COMMITTEE

The tasks of the Administrative Council's Select Committee, created under Article 9(2) of Regulation 1257/2012 by the member states taking part in enhanced co-operation, are twofold:

- governance and supervision of the administrative tasks given to the EPO by the participating member states, under Article 9(1) of Regulation 1257/2012, in respect of European patents with unitary effect;
- setting the levels and shares of renewal fees (Articles 12 and 13 of Regulation 1257/2012).

To perform them, the committee must adopt the rules necessary for implementing Regulation 1257/2012.

To give the EPO time to adapt its procedures (and especially its IT applications), the committee needs to finalise its preparatory work on the implementation of

unitary patent protection by June 2014. By then, the levels and shares of the renewal fees should be fixed, thus creating the necessary regulatory framework prior to Regulation 1257/2012's application, which itself is linked to the entry into force of the Agreement on the UPC.

For cost reasons, where possible the committee's meetings should be held in the margins of those of the Administrative Council or, where applicable, the Budget and Finance Committee.

III. TIMELINE FOR THE SELECT COMMITTEE'S WORK IN 2013 AND 2014

In view of the above, it is proposed that the committee's work in 2013 and 2014 be organised as follows:

29 May 2013

- Discussion and if possible adoption of its rules of procedure
- Discussion and if possible adoption of its work programme.

25 June 2013

- Adoption of its rules of procedure
- Adoption of its work programme
- Presentation by the EPO of draft implementing regulations on unitary patent protection; preliminary discussion.

September or early October 2013

- Workshop at which the Office will present financial and statistical data, and possible methodologies; preliminary discussion.

October 2013

- Further discussion of the implementing regulations on unitary patent protection
- Discussion of the arrangements for the committee's supervision, under the first paragraph of Article 9(2) of Regulation 1257/2012, of the EPO's additional administrative tasks in respect of European patents with unitary effect (e.g. activities report)

- Presentation of different scenarios regarding the levels of renewal fees for European patents with unitary effect, and the compensation mechanism
- Presentation of an outline compensation scheme for translations; preliminary discussion.

December 2013

- Further discussion and if possible adoption of the implementing regulations on unitary patent protection
- Further discussion and if possible adoption of the arrangements for the committee's supervision, under the first paragraph of Article 9(2) of Regulation 1257/2012, of the EPO's additional administrative tasks in respect of European patents with unitary effect
- Further discussion of different scenarios regarding the levels and shares of renewal fees for European patents with unitary effect, and the compensation mechanism.

March 2014

- Finalisation of draft rules relating to renewal fees, a draft distribution key and a draft compensation mechanism.

June 2014

- Adoption of rules relating to renewal fees, the distribution key and the compensation mechanism.