



Institut der beim Europäischen Patentamt zugelassenen Vertreter
Institute of Professional Representatives before the European Patent Office
Institut des mandataires agréés près l'Office européen des brevets

Ausschuss für Streitregelung
Litigation Committee
Commission Procédure Judiciaire

Key information

for the

Litigation Committee (Litcom)

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Key information Litigation Committee

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Litigation Committee

The **Litigation Committee** focuses on the litigation of European patents, and European patents with unitary effect, before national courts and the [Unified Patent Court](#). Further, the Committee considers inter-state agreements relating to above mentioned patents, as well as important European case-law. The Committee also focuses on the representation in Court by European Patent Attorneys.

This document provides guidance to the [Terms of Reference](#), the structure and the roles and functions within the Litigation Committee.

The document also reflects some relevant articles of the **epi** [By-Laws](#) relating to the committees.

The work of the Litigation Committee is supported by the **epi** Secretariat with its legal advisors.

I Terms of Reference of the Litigation Committee (LitCom)

1. The Litigation Committee (LitCom) shall consider and discuss all questions pertaining to, or connected with

- the **litigation of European patents** which benefit, or not, from unitary effect, before National Courts and the Unified Patent Court;
- inter-state agreements for the **litigation of European patents** which benefit, or not, from unitary effect;
- **representation in Court** by European Patent Attorneys.

2. The Committee shall provide information about all questions recited in (1) above and if appropriate make proposals for any alterations or additions.

3. The Committee shall consist of a maximum of one full member and one substitute member for each contracting state.

[C64 Vilnius 26-27/05/2008 C80 Athens 23/04/2016]

II Roles and Functions within the LitCom

II.A Members

The most important asset of the LitCom are its members.

The LitCom has one full member and one substitute member for each EPC contracting state. The Chair may appoint associate members to the committee.



Members are expected to actively and constructively engage in the work of LitCom and its Sub-Committees.

They should keep LitCom up to date on developments in national patent litigation matters in the EPC member states.

They should also inform their respective national groups on the work of LitCom.

The **epi** [By-Laws](#) include further more detailed provisions regarding members in Art. 18B.6-8

II.B Executive Group

The Executive Group (Executive) consists of the Officers: Chair, Vice-Chair and Secretary. It is the main liaison between LitCom and the **epi** Presidium, Board and Council.

The Executive facilitates and supports the Sub-Committees to deliver work that is initiated by or requested of the LitCom within the Terms of Reference.

They report to the Board and Council [meetings] on the activities of the LitCom and its Sub-Committees. Additionally, they prepare reports for the quarterly **epi** Information and contribute a yearly review of LitCom activities to the **epi** Annual Report.

They also provide the members with any relevant information relating to the Presidium, Board and Council.

The Executive holds monthly meetings. In connection with these meetings, the Sub-Committee Chairs are invited to meet with the Executive 3 to 4 times a year.

They are further responsible for following a yearly budget. A draft budget for the Committees is normally issued in July preceding the actual budget year. The Secretariat provides quarterly accounting summaries for the Committee.

Generally, the Executive Group works as a unit and shares the work of the Committee leadership, briefly outlined below.

II.B.1 Chair

The Chair has the overall responsibility of the Committee and its work. Furthermore, the Chair

- represents the Committee in the Institute and attends Board and Council meetings when invited,
- coordinates the Committee work, organizes and chairs the Committee meetings, and prepares agendas in cooperation with the Vice-Chair and Secretary,
- supervises the Sub-Committees, and



- is responsible for preparing a draft budget in cooperation with the Treasurer and for aligning the Committee work within the set budget.

([By-Laws](#), Art. 18B.4)

II.B.2 Vice-Chair

The Vice-Chair supports the Chair in their tasks and steps in for the Chair when needed or when the latter is unavailable.

II.B.3 Secretary

The Secretary supports the Chair and the Vice-Chair. Further, the Secretary prepares meeting agendas in cooperation with the Chair and Vice-Chair. The Secretary is also responsible for

- taking minutes, recording action and decision items of meetings, and
- managing Committee internal communications and scheduling.
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II.C Sub-Committees [and Working Groups]

One or more Sub-Committees [and/or Working Groups] can be established to facilitate the work of the LitCom.

The Sub-Committees support the Executive and the LitCom by helping to deliver the work required on specific topics under the Terms of Reference of the LitCom.

Normally the Sub-Committees are set up and given a remit based on a proposal of the Executive Group at the first meeting of the LitCom at the start of a new term.

The Chair of a Sub-Committee co-ordinates the work of the Sub-Committee and liaises with the Executive. The Committee Chair together with the Vice-Chair and Secretary supervise any papers or reports provided by the Sub-Committees.

The Sub-Committees normally have virtual meetings to which at least one member of the Executive should aim to attend.

When setting up a meeting or communicating with its members, the Chairs of the Sub-Committees should liaise with the Committees Support (item II.F below).

Working groups may be advantageous for a specific issue to be addressed. Matters, above and below, relating to the Sub-Committees also apply for any Working Groups.



II.D Meetings

The LitCom normally has one in-person meeting per year as foreseen in the budget. In addition to an in-person meeting, the LitCom arranges one or more virtual meetings on a yearly basis.

The Executive and the Sub-Committees (depending on the number of members) may hold meetings at the **epi** Secretariat.

Full members have the right to participate at LitCom meetings with costs reimbursed as appropriate. Substitute members have the right to attend LitCom meetings at their own costs. However, if a substitute member substitutes a full member, they have all the rights of a full member, except being elected as an Officer.

Associate members do not have the right to attend meetings, even at their own costs, except if invited according to [By-Laws](#) Art.18B.8b.

Further information on reimbursement may be found in [Council Decisions](#) (CoD) 5.4.1 and 5.4.3.

II.E Legal advisors

The **epi** Secretariat has legal advisors (legaladvisor@patentepi.org).

They provide legal advice, conduct legal research and inform LitCom of developments in patent law as necessary.

They provide support when preparing reports and other papers such as position papers and *amicus curiae* briefs.

They also actively support the Executive in the work of the LitCom.

II.F Committees Support

Committees Support (committees-support@patentepi.org) take care of meeting organisation (Doodle polls, invitations, registration, accommodation, reimbursement forms, Zoom-meetings, support during meetings) for the Executive, the Sub-Committees and the full LitCom.

Communications including email distribution to LitCom and Sub-Committee members should be conducted through the Committees Support.

They also set up and administrate any **epi** web site Forum channels for e.g. the Executive, Sub-Committees and the LitCom.

The latest report and presentation templates are available through the Committees Support.



III Appointments and Elections

The **epi** Council appoints the members of LitCom [and other Committees] at the last autumn meeting of the Council of a three-year term. The Council may appoint members during a running term.

Elections of the LitCom Officers (Chair, Vice-Chair, Secretary) normally take place at a [virtual] meeting after said last autumn meeting. Only full members may stand for election and have a vote.

The Sub-Committees organize themselves under the direction of the Executive.

([By-Laws](#), Art. 18B1-3)

IV LitCom and the other epi Committees

The **epi** has a Disciplinary Committee ([By-Laws](#), Art. 18A) and 17 other Committees ([By-Laws](#), Art. 18B).

The LitCom may have common issues with some of the other Committees, such as, the Professional Education Committee (PEC – e.g. it's UP/UPC Education Working Group), the Online Communications Committee (OCC – e.g. electronic court case management systems), the Harmonisation Committee (e.g. privilege in relation to representation of European Patent Attorneys before Courts), the Professional Conduct Committee (PCC – e.g. representation of European Patent Attorneys before Courts), the IP Commercialization Committee (IPCC – e.g. interstate agreements), the European Patent Practice Committee (EPPC) and the Biotechnology Committee (Biotech).

The Diversity, Equity and Inclusion Committee (DEI) may also influence LitCom e.g. regarding the membership of the LitCom.

The Disciplinary Committee (DC) may be relevant regarding European Patent Attorneys as representatives before the [Unified Patent Court](#) (UPC).

Committees, such as, the By-Laws Committee (BLC), the **epi** Finance Committee, the Editorial Committee, the Electoral Committee, the Committee Elections Committee (CEC), the Nominations Committee, the **epi** Students Admissions Committee (SAC) and the EPO Finances Committee are generally not directly relevant to the work of LitCom.

V epi web site

The **epi** [web site](#) contains a wealth of relevant information as well as useful features for collaboration and communication with the membership and the various bodies of the Institute.