

**Order**  
**of the President of the Court of Appeal of the Unified Patent Court**  
**concerning a petition for review of a decision by the Registrar**  
**issued on 24 July 2025**

HEADNOTE:

- There is no *de facto* continuity between an accredited course and a course mentioned in Rule 12.1 EPLC Rules.

KEYWORD:

- EPLC Rules

APPLICANT:

☐ [REDACTED]

[REDACTED]

PETITION FOR REVIEW:

- APL\_15506/2025 UPC\_CoA\_300/2025

ORDER OF THE REGISTRAR TO BE REVIEWED:

- ☐ Order of the Registrar ORD\_69064/2024 of 18 March 2025 concerning App\_61324/2024 UPC\_CoA\_300/2025

DECISION OF THE REGISTRAR DENYING RELIEF:

- ☐ Order of the Registrar ORD\_17498/2025 of 10 April 2025 concerning APL\_15506/2025 UPC\_CoA\_300/2025

SUMMARY OF FACTS:

1. On 15 November 2024, the applicant requested to be entered on the list of representatives before the Unified Patent Court (UPC), claiming that he fulfilled the requirements of Article 48(2) of the Agreement on a Unified Patent Court (hereinafter: UPCA). With his application, he submitted a certificate issued on 8 July 2022 by the Centre d'Etudes Internationales de la Propriété Intellectuelle (CEIPI) which attests that the applicant successfully completed the CEIPI courses leading to the Diploma on "Patent litigation in Europe". This course is referred to in Rule 12.1(a) of the "Rules on the European Patent Litigation Certificate and other appropriate qualifications pursuant to Article 48(2) of the Agreement on a Unified Patent Court" of February 22, 2022 (hereinafter: EPLC Rules).

2. On 18 March 2025, the Registrar of the UPC rejected the application as it had not been filed within the transitional period of one year from the entry into force of the UPC Agreement on 1 June 2023 during which it was possible to file applications for registration as a representative pursuant to Rule 12.1 EPLC Rules.
3. In his petition for review of 31 March 2025, the applicant asserts that
  - there is a “*de facto* continuity” between Rule 12 and Rule 1 EPLC Rules regarding the litigation certificate issued by CEIPI, both from a substantial point of view,
  - it satisfies the requirements of Rule 3 EPLC Rules, given that the course (accredited under Rule 1 EPLC Rules in November 2023 by decision of the Administrative Committee of the UPC, Ref: D-AC/07/24112023) is substantially (if not formally) the same,
  - at the time of filing of his rejected application, he was a European Patent Attorney in accordance with Article 11 of the Regulation on the European qualifying examination for professional representatives.
4. On 10 April 2025, the Registrar held that the petition for review is admissible but unfounded and forwarded it to the President of the Court of Appeal pursuant to Rule 12.1 EPLC Rules.
5. In the reasons for his decision, the Registrar stated that:
  - the certificate obtained by the applicant was issued on 8 July 2022, which is before the decision D-AC/07/24112023 of the Administrative Committee to accredit CEIPI to issue the EPLC,
  - therefore, the applicant was not in possession of a valid certificate under Rule 1 EPLC Rules at the date of the filing of the rejected application
  - the Applicant’s argument that there is continuity between Rule 12 and Rule 1 EPLC Rules is irrelevant for the purpose of the present examination since it is not within the UPC’s purview to ascertain if the content of the course leading to the Diploma on "Patent Litigation in Europe" issued by CEIPI has been amended or remained substantially the same after the adoption of the accreditation decision,
  - if the Administrative Committee had wished to decide that there is continuity between Rule 12 and Rule 1 EPLC Rules regarding the Diploma issued by CEIPI, it would have explicitly done so.

REASONS FOR THE ORDER:

6. The Petition for Review is admissible but unfounded.
7. Pursuant to Article 48(2) UPCA, parties may be represented by European Patent Attorneys who are entitled to act as professional representatives before the European Patent Office pursuant to Article 134 of the EPC and who have the necessary qualifications such as a European Patent Litigation Certificate. In accordance with Rule 286.2 of the Rules of Procedure of the Unified Patent Court (hereinafter: Rules of Procedure), these requirements must be demonstrated by submitting the relevant certificates.
8. Although the applicant has proven - by his entry in the list maintained at the European Patent

Office - that he is authorized to appear before the European Patent Office as a professional representative, there is no evidence that he has the qualification required to represent a party before the Unified Patent Court, as required by Article 48(2) UPCA, such as, for example, a European Patent Litigation Certificate.

9. The requirements for such a qualification have been defined in more detail, and exclusively, by the Administrative Committee in the EPLC Rules. According to Rule 2 EPLC Rules, the qualification requires a certificate confirming successful completion of an accredited course on European patent litigation, or as stated in Rule 12.1(a) EPLC Rules, the successful completion of certain specifically named courses.
10. The applicant's request does not meet the requirements set out in Rules 2 and 12.1(a) EPLC Rules respectively.
11. The course completed by the applicant at CEIPI in 2022 was conducted prior to its accreditation by the Administrative Committee on 24 November 2023 and is thus not an accredited course within the meaning of Rule 2 EPLC Rules.
12. The course completed by the applicant is named in Rule 12.1(a)(i) EPLC Rules listing "other qualifications". However, pursuant to Rule 12.1 EPLC Rules, such courses deemed as appropriate qualifications only "during a period of one year from the entry into force of the Agreement on a Unified Patent Court". This period commenced on 1 June 2023 and (, since 1 and 2 June fell on a Saturday and Sunday respectively,) expired on 3 June 2024. The applicant's request dated 15 November 2024 was filed after the expiry of this period.
13. Contrary to the applicant's assertion, there is no "continuity" (*de facto* or otherwise) between Rule 12 and Rule 1 that would mean that a course mentioned in Rule 12.1 EPLC Rules becomes an accredited course under Rule 1 EPLC Rules. Such a continuity would mean that the decision of the Administrative Committee to accredit a certain course has retroactive effect. However, such a retroactive effect is neither laid down in the applicable EPLC rules (or elsewhere) nor directly or indirectly indicated in the accreditation decision itself. Moreover, such a retroactive effect would clearly undermine the one-year deadline explicitly laid down for all courses in Rule 12 EPLC Rules. Therefore, any assumption of a (de-facto) continuity would clearly contradict Rule 12.1 EPLC Rules and is thus not possible.
14. The decision of the Administrative Committee to accredit a European Patent Litigation Course follows a request for accreditation of a university or any other institution mentioned in Rule 2 EPLC Rules and is based on an opinion of the Advisory Committee about whether the requirements under Rules 3-6 EPLC Rules are met and the request for accreditation complies with Rule 7 EPLC Rules pursuant to Rule 8.1-3 EPLC Rules. The subject-matter of the opinion of the Advisory Committee and of the decision of the Administrative Committee on the application for accreditation is only the future European Patent Litigation Course for which accreditation is sought but not a course that was held by the applying university or other institution before.
15. Rule 12.1 EPLC Rules is an exception from the general stipulation that only the completion of an accredited course entitles the participant to a respective certificate (Rules 1 et seq. EPLC Rules). This exception has been limited to a transitional (grace) period of one year by the legislator of the EPLC Rules.

16. Only during this transitional period the successful completion of one of the courses or the grant of one of the certificates listed in Rule 12.1(a) EPLC Rules can be deemed as an appropriate qualification for a European Patent Attorney pursuant to Art. 48(2) UPCA and as such to be an equivalent to a European Patent Litigation Course accredited by the UPC Administrative Committee on the basis of an opinion of the UPC Advisory Committee under Rule 8.1 EPLC Rules.
17. Neither the EPLC Rules themselves nor the application of said rules by the Registrar of the UPC violate the principles of equality and proportionality. The EPLC Rules, in particular Rule 2 and 12.1, are justified by the objective of ensuring qualified representation of the parties before the Unified Patent Court. According to Art. 48(2) UPCA, only European Patent Attorneys may be admitted as party representatives, provided they are not only authorized to act before the European Patent Office but have also demonstrated their ability to conduct European patent litigation through an appropriate certificate or equivalent qualification. This purpose requires that the more detailed requirements for obtaining such a certificate and the equivalent qualification be explicitly regulated, which has been fully achieved through the adoption of the EPLC Rules by the Administrative Committee, in which all Contracting Member States of the Agreement on a Unified Patent Court are represented. The principles of equality or of proportionality do not require the Member States to provide exceptions to the general rule of completing an accredited course. In this context, the decision of the Member States to allow registration based on unaccredited courses only for a limited period and only for a specified list of courses is, in itself, not objectionable.
18. Furthermore, it should be noted that the applicant can demonstrate the required qualification by either obtaining a European Patent Litigation Certificate or a legal diploma under Rule 11 EPLC Rules. Upon fulfilling these conditions, the applicant may then be entered in the list of representatives before the Unified Patent Court.
19. Oral proceedings, as suggested by the applicant, are not provided for in the EPLC Rules. The applicant had the opportunity to submit written comments in the ongoing proceedings.
20. In view of the above, the petition for review of the Registrar's decision is unsuccessful.

ORDER:

The petition for review of the Registrar's decision of 18 March 2025 is rejected.

This Order was issued on 24 July 2025.

KLAUS STEFAN  
MARTIN  
Grabinski

Digitally signed by  
KLAUS STEFAN  
MARTIN Grabinski  
Date: 2025.07.24  
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