

**IP2I Recommendations for Improvements to the Public
Availability of Information on Proceedings before the UPC**

IP2I appreciates the improvements made to date to improve the availability of information on proceedings before the Unified Patent Court. To achieve its full potential for transparency and permit a better understanding of legal developments and trends, IP2I recommends that continued improvements focus on providing more robust searchability for information, and reducing the delay associated with making information available to the public.

Recommendation: Provide more robust searchability for information.

Especially as the volume of proceedings before the court grows, the current layout of the UPC public-facing website will not be suited for allowing the public to find orders or decisions in specific cases, or to inform itself on aspects of the Court’s caselaw at large. Currently, the only filtering mechanisms in the “Decisions & Orders” section of the website are by location and, per location, by type of document (order or decision). Sooner rather than later, this will require interested members of the public to parse and consult growing lists of otherwise not searchable entries to find information they are looking for.

Already, there has been an emergence of third-party solutions to providing increased searchability to the public. To ensure free, consistent, and equal access, and completeness and accuracy of the data especially as case volumes increase, IP2I believes that the public should not have to rely upon third-party solutions, and that instead this functionality should be provided by the UPC itself.

Based on recent updates from UPC Registrar Alexander Ramsay, we understand that improved searchability related to headnotes and keywords is currently being planned. This is welcome news, and as part of these planned improvements, IP2I further recommends that a meaningful search mask be added to the public-facing website for orders and decisions (or alternatively, that this functionality be provided through the public-facing CMS without requiring registration). A simple, yet flexible and user-friendly search mask should include the following filter and search functions:

- Selection of Instance – filterable by “Any”, “Court of Appeals” or “Court of First Instance”
- Selection of location – filterable by “Any location” or any one specific UPC court seat
- Type of underlying action – filterable by “All” or any specific type of action under the UPC
- Selection of type of document – filterable by “All”, “Order”, or “Decision”
- Selection of language – filterable by “All” or any one specific UPC language
- Date of order or decision – optional search parameter, specifiable exactly or as a range
- Case number – optional search parameter
- Patent number – optional search parameter
- Party names – optional search parameter(s)
- Word (stem) search in full document text

Recommendation: Reduce the delay for making information available to the public.

There is currently a significant delay between the filing of a proceeding and the public availability of information on that proceeding. There is also a significant delay between the issuance of a decision or order by the court and the availability of that decision or order to the public.

IP2I asks that the UPC prioritise improvements in this area, both to reduce the time taken to complete the required formality check and any necessary redactions, and to provide the information on the UPC website shortly after it is populated for the parties to the proceeding in the CMS. Providing the public with information on proceedings and access to decisions and orders in a reduced timeframe is imperative to the public's understanding of how the court has ruled on issues and the use of the system.

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