



Code of Conduct

of the Judges at the Federal Patent Court

1 Preamble

The judges of the Federal Patent Court

- aware that the Federal Constitution guarantees every person the right to a fair and just trial by an independent and impartial tribunal,
- aware that in a country governed by the rule of law it is indispensable that judges exercise their duties diligently and strive to strengthen and maintain confidence in the legal system,
- conscious of their responsibility to perform their duties with the independence, impartiality and conscientiousness required of their office,

have adopted this Code of Conduct.

2 Independence

Federal patent judges shall exercise their office independently and impartially and observe the Guidelines on Independence. In the exercise of their office, they shall refrain from any conduct that could cast doubt on their independence and impartiality.

Federal patent judges make their decisions without taking into account pressure from the public, involved parties or third parties. They do not allow themselves to be unduly influenced.

Federal patent judges shall exercise their office independently of their colleagues. Solely the law binds them.

The extrajudicial activities of federal patent judges must not impair their judicial office or the reputation of the court.

3 Impartiality

Federal patent judges shall thoroughly examine possible grounds for recusal before taking up a case, in the knowledge that the appearance of bias on the part of a judge is detrimental to the reputation of the court. They shall act appropriately to prevent grounds for recusal from arising during ongoing proceedings in which they are serving as judge. When examining the

grounds for recusal, they shall observe official secrecy and the secrecy of the lawyer or patent attorney.

Outside the panel deciding the case, federal patent judges shall not comment on pending cases in which they are acting as judge. They shall refrain from any conduct that could jeopardise the fair conduct of the proceedings or arouse suspicion of partiality. They shall not accept any gifts, except in a socially customary manner and to an extent that does not raise doubts about their independence.

4 Care

Federal patent judges shall exercise their office carefully, conscientiously and efficiently.

Federal patent judges shall not invoke their office to advertise their services or the services of their employers or to obtain other advantages and privileges. It is permissible to refer to the activity as a part-time judge in the same way as to other part-time activities.

Federal patent judges who make public statements on professional issues shall do so objectively and shall retain their freedom of judgement. Only the President or a person authorised by him or her shall speak on behalf of the Court.

If federal patent judges comment publicly on judgments of the Federal Patent Court or otherwise express themselves publicly, they shall do so in a manner that does not call into question the authority of the Federal Patent Court and does not impair collegiality. They shall not criticise judgments in which they have participated to persons who are not members of the Court. They shall exercise restraint in all cases and maintain the secrecy of the deliberations.

5 Collegiality

In the exercise of their office, federal patent judges shall treat all employees of the court, the parties and their representatives with respect, dignity and tact.

When passing judgement, federal patent judges exchange views on the factual and legal situation in a factual, open and clear manner with their colleagues and the court clerks.

Federal patent judges shall refuse requests to sit as judges in a specific case only for compelling reasons and shall attend the plenary sessions.

6 Further development of the Code of Conduct

The members of the Federal Patent Court regularly meet in plenary session to discuss issues relating to conduct appropriate to the office, the implementation of the Code of Conduct and its possible further development.

St Gall, 26 September 2022