

Court proceedings under the Covid-19 pandemic

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Restrictions under Covid-19

– **Court room capacity**

- Standard size (always available): usually 30 persons; now 9 persons
- Largest court room (limited availability): usually 90 persons; now 30 persons

– **Travel restrictions**

- Almost every hotel is closed
- Quarantine for participants from almost every foreign country

Hearings at the Federal Court of Justice

– Civil cases

- Usually one lawyer for each party
- Only 40 lawyers admitted to the court, all of them located in Karlsruhe
- No witnesses or experts
- Written procedure possible if both parties agree
- No substantive delays due to Covid-19

– Patent cases

- Usually three to four lawyers for each party
- Frequently: plus in-house counsel, plus executives, plus interpreters
- Usually one hearing per week
- Witnesses and experts can be heard in validity cases
- Substantive delays were imminent in March 2020

Patent hearings under Covid-19

– Hybrid hearings

- All five judges are in the court room
- One or two lawyers per party are in the court room
- All the other participants attend via video conference

– Technical equipment

- Small court rooms: two cameras, four 65” screens
- Large court room: four cameras, two 98” screens, sixteen 15” screens for judges and lawyers
- Software: Microsoft Teams

Organizational aspects

– Invitation process

- The courts sends an information leaflet covering technical information to all the parties
- The parties provide the email addresses of all persons who want to participate
- The court sends an invitation link, which may also be forwarded to additional participants

– Quality assurance

- All participants can join a rehearsal session one day before the hearing
- All participants are asked to log in fifteen minutes before the start of the hearing

Experiences so far

– Reliability

- Sometimes minor problems regarding server availability, but always manageable
- Hearings with up to forty participants (and certainly even more) possible without problems

– User feedback

- Vast majority of participants is grateful for not having to travel
- Interpreters prefer on-line over on-site participation, because of better sound quality
- Lawyers are eager to avoid pure on-line hearing, but are contented with hybrid system

Pictures from two small court rooms



Pictures from the large court room (1)



Pictures from the large court room (2)

