

# Kluwer Patent Blog

## Draft bill presented in Germany for ratification of Unified Patent Court Agreement

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The Federal Ministry of Justice of Germany has presented a first [draft bill on the ratification of the Unified Patent Court \(UPC\) Agreement](#). It is accompanied by a [draft bill to implement the Unitary Patent \(UP\) system](#) at the national level.

A spokesman of the German Ministry of Justice explained to Kluwer IP Law that other Ministries, the states ('Bundesländer') and interested associations will be able to have their say about the draft bills, before a final version is presented to Parliament.

A term for sending the final draft bills to Parliament has not been set, but according to the spokesman this will likely be before the summer. Subsequently, the German Bundestag will have to decide on the drafts.



According to the explanation in the draft ratification bill, the Unitary Patent system will have a positive effect on the European economy. 'Especially the German industry, which accounts for over 40 percent of granted patents in Europe, will profit from the improved protection of inventions.'

It also clarifies that 'financial contributions of the member states will be required as long as the Unified Patent Court is unable to cover its operating costs with its own resources and to achieve a balanced budget. (...) According to current estimates financial contributions in the first year will amount to six million euro, the second year 4.8 million, the third year 4.5 million and the fourth year around five million euro.'

Germany will have to bear the costs of the Central Division of the UPC in Munich, about one million for the establishment and another 450.000 euro annually for its operation. The states of Bavaria, Baden Württemberg, North Rhine-Westphalia and Hamburg will bear the costs of the four local divisions: an estimated two million euro altogether at the start and another 900.000 euro every year.

The draft bill implementing the UP system in Germany specifies the cases in which protection of an invention by a national patent in addition to a European patent or a Unitary Patent can be claimed. It creates a new regulation for enforcement of UPC decisions in Germany.

The UPC Agreement enters into force on the first day of the fourth month after at least 13 member states have deposited their instrument of ratification, including Germany, France and the UK. France ratified on 14 March 2014, the UK is expected to follow in the first half of this year. Eight other member states have already ratified as well.

Some [concerns](#) have been expressed about the lack of action on the side of the Germans. However, delaying the deposit of the instrument of ratification by the UK or Germany, is also [seen as a way to control the timing of the court's opening](#). The UPC Preparatory Committee hopes a provisional phase of the UPC can start in the autumn of 2016, allowing for the practical set up of the court, with a view to the UPC opening its doors in the first half of next year.

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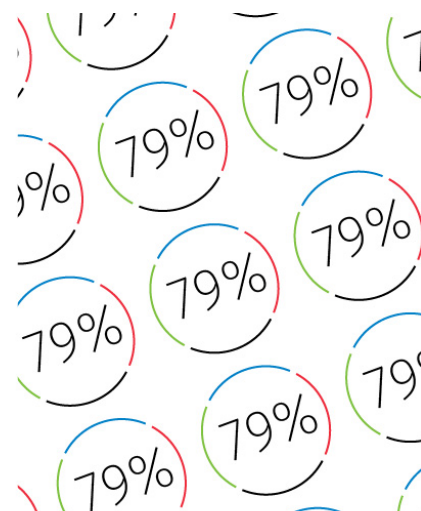
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