

# Kluwer Patent Blog

## Preparatory Committee: Unified Patent Court will not start operating this year

Kluwer Patent blogger · Wednesday, June 7th, 2017

The previously announced target date for the entry into operation of the Unified Patent Court, envisaged for December 2017, cannot be maintained. This has been reported by the UPC Preparatory Committee.

Today, the Committee announced that the timetable which was published last March, was 'relying on the timely finalisation of national procedures concerning the ratification of the UPC Agreement and the participation in the Protocol on Provisional Application. In particular, a few Member States must still agree to be bound by the Protocol before the period of provisional application can start. Due to some delays with



these procedures, the previously announced target date for the entry into operation of the UPC, envisaged for December 2017, cannot be maintained.'

According to the Committee, 'the progress of national procedures concerning the ratification of the UPC Agreement and the participation in the Protocol on Provisional Application is being continuously monitored with a view to publish a new timetable on this website as soon as possible'.

Many observers had already expected the start of the UPC to be postponed. However, doubts rose when after the meeting of the EU Competitiveness Council last week in Brussels, European Commissioner Elzbieta Bienkowska [declared in a press conference](#) that, if the period of provisional application of the UPC started before the summer break, it would still be possible for the Unitary Patent and Unified Patent Court to start operating this year.

The Preparatory Committee has now made clear this will not be the case. Apart from the issue of getting enough support for the Protocol on Provisional Application, there is some uncertainty as well due to tomorrow's general elections in the UK. A new government could change the UK's position concerning ratification of the UPC Agreement, thereby undermining the whole system. So far, the UK line has been that

it will ratify, Elzbieta Bienkowska declared last week. 'But of course, we'll have to wait till the election and then ask the next government.'

In today's [press release](#), the UPC Preparatory Committee indicated that preparations for the UPC are going on. 'An operational team is currently overseeing the final preparations for the recruitment of judges, testing the IT and case management systems and ensuring that resources are trained and in place before the UPC's entry into operation. A new timeline for the recruitment process of the UPC judges will be communicated as soon as possible to all candidates who have submitted applications.'

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The infographic features a dark blue circle on the left containing the text 'Kluwer IP Law' and 'The master resource for Intellectual Property rights and registration.' To its right, a light green circle contains '81%'. Between them, the text 'Greater Use of Technology to Improve Productivity' is written in a light green font, with a dashed line and an arrow pointing from the 81% circle towards the Kluwer IP Law circle. At the bottom left, it reads 'SURVEY REPORT The 2021 Wolters Kluwer Future Ready Lawyer Moving Beyond the Pandemic Insights'. The Kluwer IP Law logo is at the bottom left, and the Wolters Kluwer logo is at the bottom right.

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