

Kluwer Patent Blog

Preparatory Committee: The Unitary Patent system can be functional in a near future

Kluwer Patent blogger · Friday, September 11th, 2020

The Unitary Patent system can start in the near future. That is one of the conclusions of a meeting held yesterday by the Preparatory Committee of the Unified Patent Court.

According to a [press release](#), on the agenda were “issues triggered by the recent events in Germany and the United Kingdom. The Committee took note of the good progress being made in Germany with regard to the legislation needed for the German ratification of the Unified Patent Court Agreement and the Protocol on Provisional Application.

The Committee also took note of the call from European Industry for a swift entry into operation of the Unitary Patent System. Against this backdrop issues concerning the effects of the UK withdrawal were discussed as well as appropriate ways forward. Good progress was made and the Committee is confident that pragmatic and legally sound solutions will be found that will enable the unitary patent system to be functional in a near future.”



The meeting, the first since March 2017, was 100% digital due to the corona pandemic and travel restrictions. According to the Preparatory Committee, it set “a good precedent for the future working of the UPC as a digital court”.

Last July, the [UK withdrew its ratification](#) of the Unified Patent Court Agreement as a consequence of the Brexit. The secretariat of the European Council has since updated the [list with UPCA ratifications](#) and the [list with signatories of the Protocol](#) to the Agreement on a Unified Patent Court on provisional application (PPA)

Germany however wants to proceed with the project. Its government presented a [new draft bill for ratification of the UPCA](#) in June, just months after the German Constitutional Court had declared void the first ratification procedure because the UPCA ratification bill hadn't been approved by a two-thirds majority. Minister of Justice and Consumer Protection, Christine Lambrecht stated she wanted to continue working to ensure “we can provide the European innovative industry with a Unitary Patent and a Unified Patent Court”, [despite broad criticism of uncertainties](#) concerning the UP system.

Some observers think the German ratification procedure may be completed as soon as this year. Interesting, in this respect, is a [report of the Italian Ministry of Foreign Affairs](#), elaborating

on the redistribution of the competence of the London branch of the central division of the UPCA. According to the report, the Preparatory Committee “confirmed the willingness of the participating States to ensure the entry into force of the UPC as soon as the ratification process is completed, and hopefully already in early 2021.

In order to allow this, it approved a provisional redistribution of the competence of the London office between the existing offices in Paris and Munich, provided, however, that this is a short-term solution, pending the entry into force of the Agreement and that Italy can start, in agreement with the other signatory States, the procedure for amending the Agreement to include Milan as the third seat of the central Court division.”

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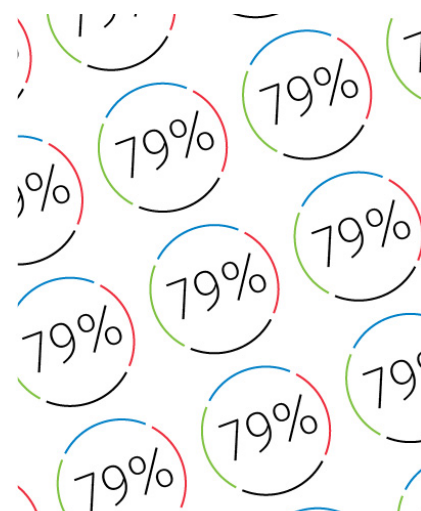
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