

Kluwer Patent Blog

More uncertainty for Unitary Patent system after Court ruling in UK

Kluwer Patent blogger · Thursday, November 3rd, 2016

The decision today of the UK High Court that the government cannot trigger Article 50 of the Lisbon Treaty and begin formal exit negotiations with the EU without approval of Parliament, is a setback for the UK prime minister Theresa May and increases the uncertainty regarding the Unitary Patent system.



May had argued the government could give the Article 50 notice on its own. She wanted to start the exit negotiations before the end of March next year. But the [Court said](#) Article 50 will fundamentally change UK people's rights, and therefore the government can only invoke it if Parliament gives it authority to do so.

Although in a reaction to the judgement the government announced it had no intention of letting it 'derail Article 50 or the timetable we have set out', a political analyst of the BBC said the decision has 'huge implications, not just on the timing of Brexit but on the terms of Brexit. That's because it's given the initiative to those on the Remain side in the House of Commons who, it's now likely, will argue Article 50 can only be triggered when Parliament is ready and that could mean when they're happy with the terms of any future deal.'

Apart from many other issues, the ruling creates additional uncertainty for the Unitary Patent system. If upheld in appeal by the Supreme Court, it is likely to lead to a further delay of the decision the UK faces as to staying in the UP system, or leaving it. As the UK is one of the mandatory signatories of the UPC Agreement, the new European patent system cannot enter into force until either the UK ratifies, or another solution is agreed on by all member states.

The Supreme Court will hear the appeal next month. Its judgment is expected by the end of January 2017.

For regular updates on the Unitary Patent and the Unified Patent Court, subscribe to this blog and the free [Kluwer IP Law Newsletter](#).

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).

Kluwer IP Law

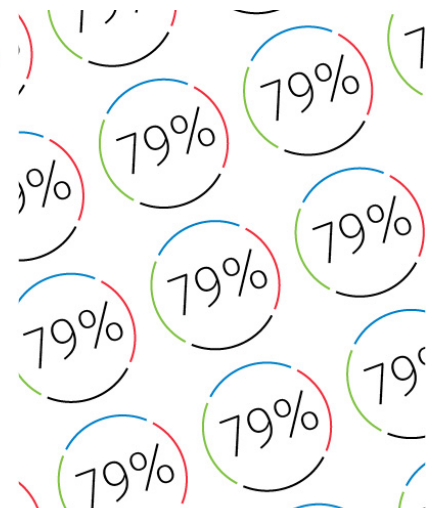
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Thursday, November 3rd, 2016 at 11:30 pm and is filed under [Brexit](#), [European Union](#), [Unitary Patent](#), [United Kingdom](#), [UPC](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. Both comments and pings are currently closed.

