

Kluwer Patent Blog

UK signs Protocol on Privileges and Immunities Unified Patent Court

Kluwer Patent blogger · Friday, December 16th, 2016

The UK signed the [Protocol on Privileges and Immunities of the Unified Patent Court](#) on 14 December 2016 in Brussels. It is an important step in the process that should lead to UK ratification of the Unified Patent Court Agreement.

The UK still needs to pass national legislation, a so-called statutory instrument (SI), to enact the protocol, which gives the UPC legal personality in the UK and privileges and immunities to the court and its staff on UK soil. Under the new Unitary Patent system, the UK will have a local division and a part of the central division of the UPC in Aldgate Tower in London.



The SI needs to be passed through the UK House of Commons and House of Lords and also the Scottish Parliament, which will each have a committee consider it, as is explained in [this earlier post](#) on the Kluwer Patent Blog.

The signing of the Protocol is the first clear sign that the UK has resumed working towards UPCA ratification since the surprise announcement, 28 November 2016, of Minister of State for Intellectual Property, Baroness Neville Rolfe, that the UK would proceed ‘with preparations to ratify the Unified Patent Court Agreement’. The Brexit vote of 23 June 2016 had created a lot of uncertainty on the future of the Unitary Patent and UPC, as UK ratification is a precondition for the system to launch, and it wasn’t clear whether the UK would still be willing to support it.

According to a [report by Taylor Wessing](#), the UKIPO is ‘working to a timetable in which orders of ratification for the UPC Agreement and the Protocol will be presented to Parliament for approval in February/March, leading to ratification of both instruments shortly afterwards.’

Meanwhile, [Bristows has reported](#) that the UK IPO has formed a new project team to work with the UPC Preparatory Committee to bring the UPC into operation as soon as possible.

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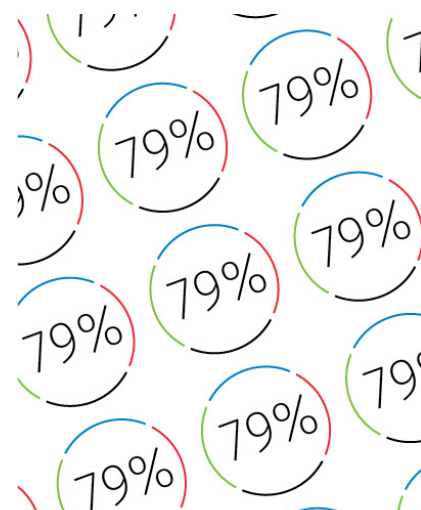
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