

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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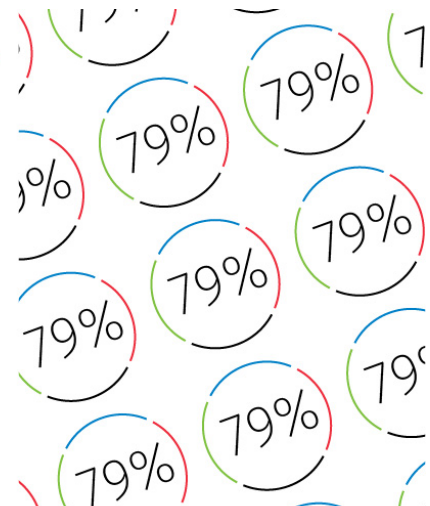
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