

Kluwer Patent Blog

Estonia ratifies Unified Patent Court Agreement

Kluwer Patent blogger · Wednesday, August 2nd, 2017

Estonia has ratified the Unified Patent Court Agreement. According to the [website of the European Council](#), it completed the ratification formalities on 1 August 2017.

Estonia joins Austria, Belgium, Bulgaria, Denmark, Finland, France, Italy, Luxembourg, Malta, the Netherlands, Portugal and Sweden as one of the thirteen countries who have completed their ratification processes.



Ratification by 13 UPC member states, including the United Kingdom and Germany, is necessary in order for the Unitary Patent system to launch. The UK and Germany were expected to complete the process this month at the latest, but this has been delayed by the Brexit and the general elections in the UK and by an unexpected and [mysterious constitutional complaint in Germany](#). Instead of starting in December 2017, the UPC Preparatory Committee now expects the Unitary Patent and the Unified Patent Court to begin functioning in the first half of 2018.

Another issue is the Protocol on Provisional Application (PPA), which allows for some parts of the UPCA to be applied early. In the provisional period, judges will be appointed and other practical preparations completed. Support from 13 member states whose parliaments have ratified the UPCA, is required before the provisional period can begin. As Alexander Ramsay, chairman of the UPC Preparatory Committee [announced last June](#): ‘even considering Estonia and the UK, three additional approvals of the PPA, including Germany, are necessary in order for the preparations to be completed for this final phase (provisional application period).’

It isn't clear whether Estonia has also given its consent to the PPA. According to a [Bristows report](#)

it has. Still, on the [website of the EU Council](#), Estonia isn't mentioned as one of the states that have given their support to the PPA. (UPDATE: Since the publication of this blogpost the EU Council's website has been updated to include Estonia, which apparently notified its consent to the start of the PPA in July)



In Ireland, Taoiseach – prime minister – Leo Varadkar announced last week that three sets of referendums may be run over the next two years, including a referendum on joining the Unitary Patent system. According to the [Irish Times](#), Varadkar said: 'The windows that we have in mind are around June/July next year, another set in November at the same time as the presidential election and then another set in May or June 2019

at the same time as the local and European elections.' It isn't clear in which of these three the UP referendum will be held. This will be announced after the summer recess, in September 2017, according to the Irish Times.

Ireland is one of the few UP member states in which a referendum is required as part of the ratification procedure. Denmark held such referendum in 2014.

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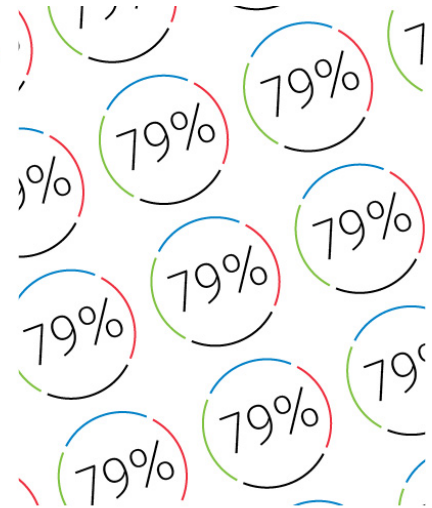
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