

Kluwer Patent Blog

‘Good progress’ and ‘delay’ for the Unified Patent Court

Kluwer Patent blogger · Thursday, September 21st, 2017

The Preparatory Committee of the Unified Patent Court has been making ‘good progress’ regarding the ratification of the UPCA.

In an [update](#) posted on its website today, the Preparatory Committee announces: ‘We now have 14 full ratifications and more in the pipeline, making it reasonable to expect that we will begin operations with closer to 20 contracting states. We are also very close to the 13 required ratifications of the Protocol on Provisional Application.’ Under the Protocol, preparations for the start of the UPC can be completed.



However, the Committee also says it is difficult to predict any timeline for the start of the Unitary Patent system and the Unified Patent Court. ‘We are following the situation and will publish a further update when additional information is available.’

The crucial issue at the moment is the uncertainty about what will happen in Germany. As the Committee writes: ‘A case is currently pending in the German Federal Constitutional Court (FCC) concerning the law passed by the German Parliament on the implementation of the Agreement on the Unified Patent Court (UPCA). This will cause delay to the German ratification of the UPCA and the Protocol on Provisional Application.’

[This Kluwer IP Law blogpost](#) of last week explains that a first decision regarding the constitutional complaint, which has been filed by attorney at law Ingve Björn Stjerna against UPCA ratification in Germany, can be expected at the earliest in November of this year.

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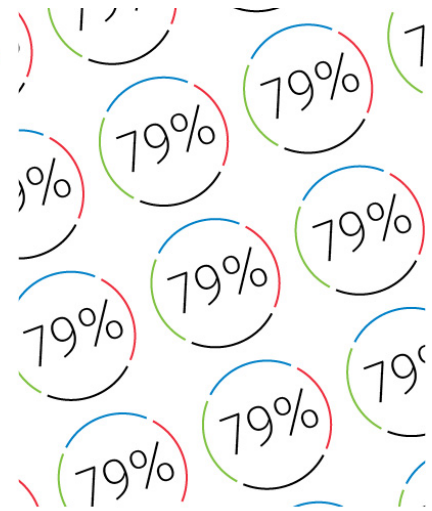
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