

# Kluwer Patent Blog

## Germany and Slovenia ratify Protocol on Provisional Application Unified Patent Court

Kluwer Patent blogger · Tuesday, September 28th, 2021

Germany and Slovenia have ratified the Protocol on the Provisional Application (PPA) of the Unified Patent Court Agreement.

According to a [report of the UPC Preparatory Committee](#), the German government deposited the instrument of ratification for the PPA on 27 September 2021. It wrote: “This is a decisive step on the way to the establishment of the Unified Patent Court after the work had been on hold for several years during the examination of the Agreement by the German Federal Constitutional Court (FCC).”



In a [press statement](#), the German minister of Federal Justice, Christine Lambrecht, said: “With this step we have come a decisive step closer to European patent reform, which is so important for innovative companies in Europe. The Unified Patent Court will come. For German industry, which holds around 40 percent of all registered European patents, better protection of their inventions in the European internal market is of particular importance. This also applies to small and medium-sized companies that make a significant contribution to the innovative potential of our country.”

### Slovenia, Austria

In Slovenia legislation ratifying the PPA came into force on 24 September 2021 when it was [published in Slovenia’s Official Gazette](#). Austria is also expected to ratify the PPA shortly. As the UPC Preparatory Committee reported, apart from Germany, “two further ratifications of the (...) Protocol are necessary to enter the final phase for the set-up of the Unified Patent Court. It is expected that the required ratifications will soon be attained triggering the implementation of the UPC as an international organization.

In this phase of provisional application will take place e.g.: the adoption of the secondary legislation and the Court’s budget, the completion of the electronic case management system including stress testing, the process to select and appoint the judges of the Court. When it is clear that the UPC will be operational upon the entry into force of the UPCA the final ratification of the Agreement by Germany can take place serving as a “gatekeeper” for Member States to ensure a

proper process.”

### **EU Competitiveness Council**

During the EU’s Competitiveness Council of 29 September 2021, the state of play of the UPC project will be discussed. Last week a [note on this issue was published](#) by the presidency, which makes clear the UPC Preparatory Committee expects the provisional application period to last from six to ten months. About the start of this period, the note says: “Slovenia envisages to deposit the ratification instrument for the PPA together with its ratification instrument for the UPCA. Austria, which was the first Member State to ratify the UPCA, has submitted a draft law for the ratification of the PPA to the national parliament in July 2021. Once the ratifications of the PPA by Germany, Slovenia and one other participating Member State are completed, the provisional application phase will start.”

### **EPO Select Committee**

According to the note, the EPO Select Committee, which is in charge of preparing for the Unitary Patent, will resume its work soon as well: “In view of the entry into operation of the unitary patent system, the relevant preparatory bodies, namely the Select Committee of the Administrative Council of the European Patent Organisation and the UPC Preparatory Committee , stand ready to resume their activities to ensure that still outstanding preparatory work is concluded in a timely manner. To that end, the next meeting of the Select Committee is foreseen for 14 October 2021.”

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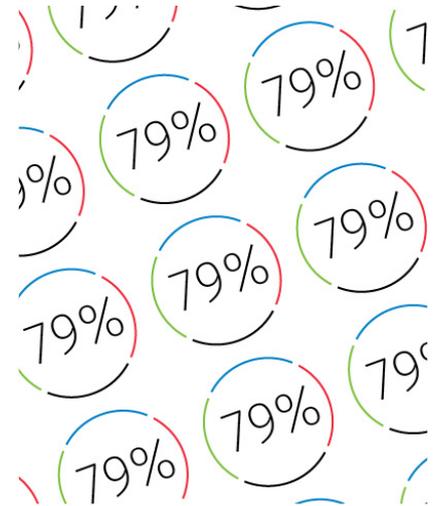
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