


Kluwer Patent Blog


Austria will most likely trigger start of preparatory phase Unified Patent Court

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Austria will most likely become the member state which will trigger the start of the preparatory phase of the Unitary Patent project. Last Friday the National Council, one of the chambers of its parliament, unanimously [approved draft legislation](#) enabling Austria to ratify Protocol for Provisional Application (PPA) of the Unified Patent Court Agreement.



Ratification of the PPA or a declaration of consent to be bound from [thirteen member states](#) “where the Governments have received parliamentary approval to ratify the Agreement on a Unified Patent Court” is necessary for the start of the preparatory phase of the Unified Patent Court, most recently [Germany and Slovenia](#) gave their support. The state of play can be found [here](#).



“During this phase of provisional application, the following will take place, in particular: the adoption of the secondary legislation and the Court’s first budget, the completion of the electronic case management system including stress testing, the process to select and appoint the judges of the Court”, according to a [report of the UPC Preparatory Committee](#). “The Preparatory Committee [foresees](#) that approximately eight months will be required to conclude all the work that needs to be done....”

As a [Bristows article](#) explains, the draft PPA legislation has now gone to the Committee on Innovation, Technology and the Future of the Federal Council. If this other chamber of the Austrian parliament gives its support as well, “the final steps to promulgation of the law are authentication by the Federal President, countersignature by the Federal Chancellor, and publication in the Federal Law Gazette.” It is not clear how much time this will take.

Austria was the first member state to [ratify the Unified Patent Court Agreement](#). That was over eight years ago, on 6 August 2013.

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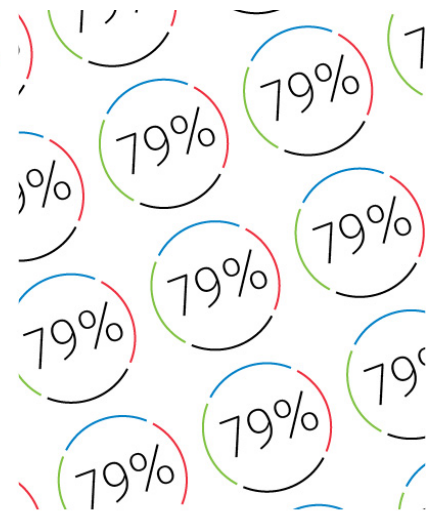
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