

Kluwer Patent Blog

Sunrise period Unified Patent Court starts 1 March 9:00 ECT 2023

Kluwer Patent blogger · Monday, February 27th, 2023

The UPC has published **practical information** on the upcoming launch of the so-called Sunrise period. This 3-month period will start on 1 March 2023 at 9:00 CET. The court advises, among others, to inform the UPC, as far as possible, of the forecasted date of massive opt-out filings.

Starting from 1 March 9:00 CET, it will be possible to opt-out European patents and register as a representative before the Unified Patent Court. The CMS will be accessible via [this login link](#).

For all external users that will perform massive opt-outs via API, the UPC strongly advises ‘that you do not wait until the last couple of weeks of the Sunrise period to perform opt-out calls.

Organizations who are planning to file a large number of opt-outs are advised to inform the UPC, as far as possible, of the forecasted date of the opt-outs’ filing. The UPC provides a dedicated communication channel via the contact form by selecting the following type of enquiry: [Planning Massive Opt-Out.](#)



Opting out from the exclusive jurisdiction of the Court can be requested for European patents and published European patent application, as well as supplementary protection certificates, issued for a product protected by a classic European patent.

The possibility to file an opt-out will be available throughout the entire transitional period under Article 83(1) of the UPC Agreement. The conditions for opt-out as per Article 5 of the UPC Rules of Procedure and summarized in the [opt-out information page of the UPC’s Website](#).

The sunrise period can also be used to register as a representative before the UPC, under the criteria of Article 48 of the UPC Agreement.

Two categories are eligible to become representative before the UPC: lawyers authorised to practice before a court of a Contracting Member State (Article 48(1) UPCA) and European Patent Attorneys who are entitled to act as professional representatives before the European Patent Office

and who have appropriate qualifications as per Article 48(2) UPCA and the [EPLC Rules](#).

‘The sunrise practice period currently ongoing on the CERUS environment will remain open until the end of March, allowing external users to have extra test and preparation to use the CMS. Please do not use the test environment if you wish to effectively lodge and opt-out or register as a representative.’

The Unified Patent Court is set to open its doors on 1st of June 2023, following the German ratification of the UPCA on 17 February 2023.

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This entry was posted on Monday, February 27th, 2023 at 3:02 pm and is filed under [European Union](#), [Unitary Patent](#), [UPC](#)

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