

Kluwer Patent Blog

Functionality linked to opt-out procedure Unified Patent Court temporarily deactivated

Kluwer Patent blogger · Wednesday, March 8th, 2023

For privacy and security reasons, the Unified Patent Court has temporarily deactivated a CMS functionality linked to the opt-out procedure.



The UPC reported today that in the week preceding the start of the sunrise period – which started 1 March 2023, ‘it became clear that the public API designed to retrieve public documentation from the CMS could be misused in certain aspects. For privacy and security reasons, it was therefore decided to temporarily remove the “get document” functionality. Even though this doesn’t affect the possibility to opt out, neither manually nor via APIs,

it means that the API solution currently cannot be used for downloading receipts from the CMS. Unfortunately, this change had to be done on short notice and the possibility to provide a satisfactory prior warning to users was therefore limited.’

The UPC writes it is aware the retrieval of an opt-out receipt ‘is an important functionality for users who want to do bulk opt-outs and we are currently working hard to make the “get document” functionality available again.’

A solution, consisting of a minor change in the API, is currently being tested internally and can probably go live at the latest on March 23. ‘Prior to this the required technical information will be provided to the users at the latest March 13 and the solution will be accessible in our CERUS test environment as from at the latest March 17.’

Registration of representatives

About the registration of representatives the UPC states: ‘We are receiving a large number of applications for registration as representative before the Court. Applications under Article 48(2) UPC Agreement are being manually checked and we are aiming to process the requests as fast as possible. Nevertheless, we cannot guarantee a date by which individual application checks will be completed.

Provided successful check, and independent of the date of verification, the date of lodging of the

application for registration as representative will be the date of its receipt (for instance, 1 March 2023). This is the date that will be entered in the Register as the date of registration.

Nothing prevents a representative to launch an opt-out application while his/her application to become a representative is pending the manual check. The representative however bears the full responsibility that he/she fulfills the requirement to be a representative according to the UPC Agreement and applicable EPLC Rules.’

The UPC urges representatives awaiting approval of their request not to contact staff of the court via individual mail addresses, but use [the FAQ section of the court’s website](#), or use the request form available [here](#).

EPO and European Commission sign Unitary Patent agreement

Yesterday, EPO President António Campinos and European Commissioner for Internal Market Thierry Breton [signed a working arrangement](#) on European patents with unitary effect. ‘The arrangement relates to cooperation and exchange of views between the two institutions to maximise the benefits of the Unitary Patent system and promote its widespread use particularly among small and medium-sized enterprises. It additionally includes a provision for the EPO and European Commission to share relevant data and information, including insights from surveys and case studies concerning the promotion and use of the Unitary Patent and to conduct regular meetings to facilitate and support their cooperation activities.’

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