

Kluwer Patent Blog

CMS Unified Patent Court can't cope with influx of opt-outs

Kluwer Patent blogger · Friday, May 12th, 2023

Less than three weeks before the planned opening of the Unified Patent Court, a message has been published on its website as a reaction to problems with the content management system, which apparently isn't able to cope with the growing inflow of opt-outs.



Proprietors who don't want their patents to fall under the UPC need to opt out from its jurisdiction before the court goes live on 1 June 2023, in the so-called sunrise period, which started on 1 March 2023. How many opt-out requests have so far been filed is not clear. Around 25 April, the number was just over 30,000 (source) and, as the court writes, now that the opening date is getting closer, ever more requests are being filed. That things don't go smoothly became

clear, among others, in a comment below [this Kluwer Patent Blog post](#), which read:

'The CMS is an absolute disaster. The capacity of the system obviously is by far not large enough.

I was able to file one opt-out request today, after trying many times last Thursday and last Friday. At present, the CMS does not seem to work at all....

Does anyone know the bank account to which court fees have to be sent? I need to file a protective writ on June 1, 2023.'

Others complained the CMS was either terribly slow or not responsive at all and they hadn't been able to file a single opt-out in a week, even if trying at night.

Until now, there has been no official communication from the UPC on the issue, but the message published today makes clear that many users have problems to file opt-outs, and the UPC is struggling to solve this:

'Dear Users,

As you are aware, we are getting close to the end of the sunrise period.

The resulting acceleration of the pace of opt-outs being filed during these last weeks means that the CMS is now under considerable pressure.

This pressure has caused a slowing down of its functionalities, sometimes even impeding the filing of opt-outs.

To ensure that users can proceed as planned, we, at the Court and together with our providers, are giving maximum attention to this capacity issue, working towards its improvement.

We understand that the delays that some may experience are triggering concern, which we are doing our best to address in the upcoming days. We will come back with further communication on this issue as soon as possible.'

The CMS has earlier been causing problems for the Unified Patent Court. The sunrise period was postponed from 1 January to 1 March because users weren't able to get devices for safe access to the system. At the start of April a three day maintenance period was announced at the very last minute.

Please feel free to share your own experience with the CMS below this blogpost.

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please [subscribe here](#).

Kluwer IP Law

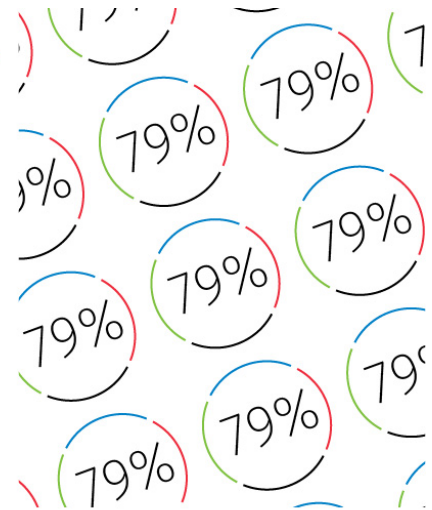
The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how **Kluwer IP Law** can support you.

79% of the lawyers think that the importance of legal technology will increase for next year.

Drive change with Kluwer IP Law.

The master resource for Intellectual Property rights and registration.



2022 SURVEY REPORT
The Wolters Kluwer Future Ready Lawyer
Leading change

This entry was posted on Friday, May 12th, 2023 at 1:31 pm and is filed under [European Union, Unitary Patent, UPC](#)

You can follow any responses to this entry through the [Comments \(RSS\)](#) feed. You can leave a response, or [trackback](#) from your own site.