

Kluwer Patent Blog

1 June 2023: Birth of the Unitary Patent and the Unified Patent Court

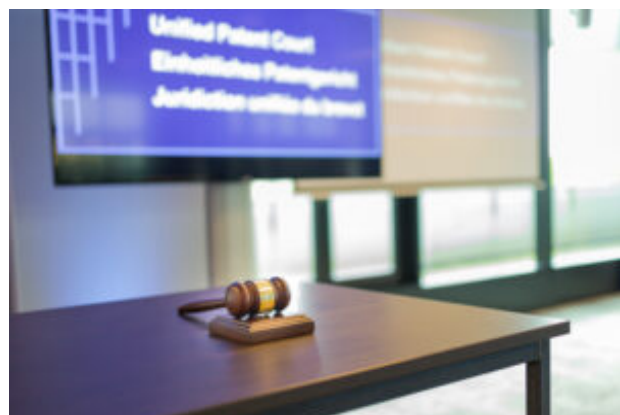
Kluwer Patent blogger · Thursday, June 1st, 2023



‘In about two years’ time the new system will launch’, was the expectation when this blogger was asked in the Autumn of 2014 to start following and writing about the Unitary Patent Package. A year before, 360 candidates had already submitted an ‘expression of interest’ to become a UPC judge, of which 124 were qualified as “outstanding”. They were eagerly waiting for the moment they could start.

Over the last decade, many experts and observers have made mistakes in predicting the moment the Unitary Patent and the Unified Patent Court would see the light of day. ‘January 2016: start of the so-called provisional period. October 2016: first cases taken. That may be a realistic timetable for the future Unified Patent Court’, Kevin Mooney, chairman of the Drafting Committee for the Rules of Procedure [told this blog](#) in 2015. Later on he [hoped for 2019](#) and in 2021 he [said it could be October 2022](#): ‘But I have to admit that over the last years I have given many presentations about the Unified Patent Court, and I have had to change the dates in my slides many times’, Mooney said. ‘It has been a very frustrating process.’

Many others tried to pinpoint a starting date, but it was less than six months ago that the UPC Administrative Committee finally confirmed the UP and UPC would launch on the first of June of 2023. Celebrations were and are held two days ago at the UPC’s seat in Luxembourg and today at the EPO. ‘The Unitary Patent system brings a host of substantial improvements for users everywhere, including cost reductions, streamlined procedures, increased transparency, and enhanced legal certainty’, according to the [announcement of this festivity](#). Many positive things have been said in the last days, months and years about the historical improvements the UP and UPC will bring for the industry, economy and innovation. The UPC is an exciting development for professionals, who can become experts in litigation at this promising new European court or will be involved in creating the jurisdiction of the UPC as judges.



However, criticism hasn't disappeared and it can be expected that the fundamentals of the system will be challenged in European courts sooner rather than later. The way that was dealt with the Brexit, the relation with EU law, for instance. Others question the supposed benefits of the system, for SMEs among others. Is the expected increasing patent density in the member states really good for innovation? The speedy procedures can be a great advantage, but foremost for parties that have the means to act quickly, to name a few things.

Below we look back at almost ten years of reporting about the Unitary Patent system on this blog. The line-up is far from complete, but it does give an interesting impression of the ups, downs, doubts, controversies, steps forward and back, opinions, optimistic and pessimistic observations that have accompanied the process towards today's historic birth of the Unified Patent Court and the Unitary Patent.

2014

'There are no disadvantages to the Unitary Patent'

2015

Boost for Unitary Patent Package: CJEU dismisses Spanish challenge

Italy wants to join the Unitary Patent

'Swift procedure Unified Patent Court may put a lot of pressure on defendants'

SMEs will need IP litigation insurance in Unitary Patent system

2016

'Unified Patent Court will create a new category of European litigation experts'

Brexit vote: 'Prepared path to Unitary Patent system might not exist anymore'

UK after Brexit: no immediate changes regarding Unitary Patent system

Claim to relocate London seat of central division Unified Patent Court to Milan is 'premature'

Confidence about UK ratification of Unified Patent Court Agreement, but with politics you never know

2017

'The Unitary Patent system has become an emergency patchwork'

It will only take 15 to 60 seconds to opt out of the Unified Patent Court. Or more?

Unitary Patent system to start this year after all?

Breaking News: Germany's Federal Constitutional Court pulls Emergency Break on UPC Agreement

Preparatory Committee regrets pause in German ratification Unified Patent Court Agreement

German complaint against Unified Patent Court Agreement: deadline for submitting views is end of October

Uncertainty about Irish referendum on Unified Patent Court

German complaint threatens future Unitary Patent system

Procedure leading to UK ratification Unified Patent Court Agreement progressing steadily

2018

‘There is scepticism whether the Unified Patent Court will ever be set up’

Stjerna: Unitary Patent system lacks envisaged advantages

Constitutional Court of Hungary rules Unified Patent Court Agreement cannot be ratified

2019

The Unified Patent Court: all dressed up but no place to go?

Preparatory Committee Unified Patent Court starts new round of recruitment of judges

Legal and financial concerns: Czech Republic will not ratify UPCA any time soon

Chairman UPC Preparatory Committee reflects on progress and future of Unitary Patent project

2020

UK backs out of the Unitary Patent system – a blow, the end of it, or just tactics?

Reactions to ruling FCC in case Unified Patent Court: ‘positive’ and ‘great disappointment’

‘UPCA should be abandoned and substantive reform at EU level taken up’

UK withdraws ratification of the Unified Patent Court Agreement

The German UPCA Ratification – at Schweinsgalopp towards Mautdebakel

FFII preparing constitutional complaint against Unified Patent Court Agreement

Two new constitutional complaints in Germany against UPCA

2021

Kevin Mooney: ‘New years of delay for Unified Patent Court unlikely’

German legislation for ratification Unified Patent Court Agreement enters into force

Unified Patent Court a lot closer after decision German FCC

‘Unitary Patent system is an arbitrary and ailing hybrid monster mix’

2022

UPC – Provisional Application Period enters into force

‘UPC decisions will be more consistent and extremely fast’

UPC: Likely opening date March 2023, Milan the new London?

BREAKING: An official date! Unified Patent Court will open its doors on 1 April 2023

Dear UPC Prep Committee, please give us more time – and help to avoid a false start!

UPC Sunrise Period deferred until 1.3.2023 – Thank you, UPC Preparatory Committee

Unified Patent Court upcoming: ‘Opt out your patents’

2023

First training UPC appointed judges

Administrative Committee confirms Unified Patent Court will open doors on 1 June 2023

Irish referendum on Unified Patent Court Agreement most likely in 2024

BREAKING: Milan will get seat central division Unified Patent Court

Unified Patent Court reports on improvement measures for the CMS

Hard copy opt-outs accepted in case CMS Unified Patent Court ceases to function

‘Entry into force of the Unitary Patent package appears as a risky bet’

Fanaticism and legalism at the dawn of the UPC: how UPC fanaticism has left the UPC devoid of privileges and immunities

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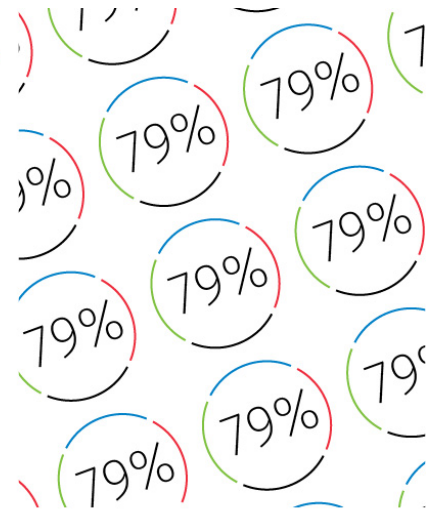
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