

# The Unified Patent Court

**Alexander Ramsay**  
**Chair of the Preparatory**  
**Committee of the Unified Patent**  
**Court**

# When?

- **It is complicated!**
  - Depends on progress with the technical prep.
  - Depends on political will of MS – ratifications!
- **Stakeholders have a right to know!**
- **Way forward**
  - PC focus on finalising the preparations in mid 2016
  - Then we can enter into provisional application

# Provisional application I

- Protocol on Provisional Application (PPA) signed by ministers in Brussels in October -15
- Institutional, financial and organisational articles of the UPCA will apply provisionally when PPA enters into force.
- PPA will enter into force when 13 MS have acceded to the PPA and have at least *parliamentary approval* to ratify the UPCA
- At least one will wait with the actual deposition of the UPCA ratification.

# Provisional application II

- **Consequences**

- Provisional application will create an international organisation with legal personality
- Bodies of the UPC will be created
- Judges can be employed, we can have a President, Presidium, Registrar

- **Uncertainties**

- Provisional application is depending on national ratification – creates uncertainty about the timing!

# Major issues that remains

- **Finalise pension/health care/social security**
  - PC is cooperating with the International Service for Remuneration and Pensions - ISRP
- **When to start to recruit and train the judges**
  - Should start during the preparatory phase and be finalised during the provisional application phase
- **Finetune the IT system**
  - Constant process making sure that the CMS functions as good as possible when the Court start its operations
- **Corporate functions and facilities**
  - Putting it all together into a functioning entity

# But when will it happen?

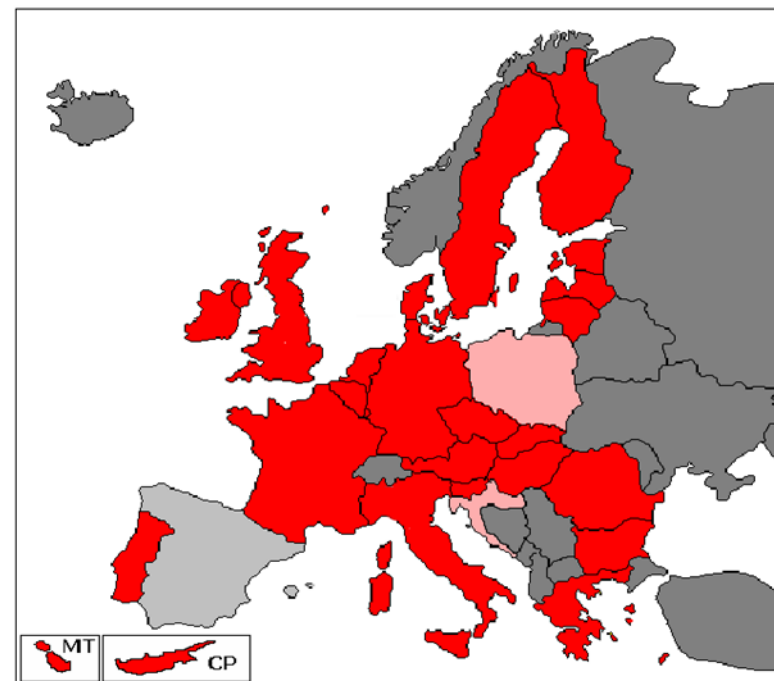
- **The Committee is likely to finalize its preparatory work by mid 2016**
- **Provisional application could start in the fall of 2016 – exact timing depends on ratifications**
- **Then it is reasonable to assume that the Court could start its operations spring 2017**

# Ratifications

- **Ratifications so far;**

- AT,
- FR,
- SE,
  
- BE,
- DK,
- LU,
- MT
- PT
- FI

4 to go!



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## About the UPC

The Unified Patent Court (UPC) will be a court common to the Contracting Member States and thus part of their judicial system. It will have exclusive competence in respect of European patents and European patents with unitary effect. The exclusive competence is however subject to exceptions during the transitional period. The UPC's rulings will have effect in the territory of those Contracting Member States having ratified the UPC Agreement at the given time. The UPC will not have any competence with regard to national patents.

The UPC Agreement is open to accession by any Member State of the European Union. The Agreement is not open to states outside of the European Union. Up to date, all European Union Member States except Spain and Poland have signed the Agreement.

## The preparatory committee


The Preparatory Committee is composed of all the Signatory States to the [Unified Patent Court Agreement \(16351/12\)](#) (see also Regulations [1257/2012](#) and [1260/2012](#)). All these states undertook to establish the new court and the Preparatory Committee's function is to oversee the various work streams. There are five major work streams which will constitute the work which needs to be completed. These are:

- Legal framework
- Financial aspects
- Information technology
- Facilities, and
- Human resources & Training

The Preparatory Committee will exist until the Court is established. Currently this is expected to last two years and during this time it will have its own [Rules by which it is governed](#). Its work programme is set out in a [Roadmap](#). Its [external communication plan](#) outlines how it will update users and stakeholders, by what means and the type of documents that will appear on this website.


The Committee has endorsed the brochure titled '[An Enhanced European Patent System](#)' which provides a useful overview.

### Chair



Alexander Ramsay  
Sweden

### Vice-Chair



Louise Åkerblom

## Cases

[Click here to log into the UPC Case Management System](#)

## Latest News

[Confirmed locations of the UPC](#)  
04 February 2016

[Alexander Ramsay's interview with EUROFORUM on the Unitary Patent and the Unified Patent Court](#)  
15 December 2015

[13th meeting of the Preparatory Committee – 7 & 8 December 2015](#)  
09 December 2015

[Unified Patent Court – Rules of procedure](#)  
27 October 2015

[12th meeting of the Preparatory Committee – 19 October 2015](#)  
20 October 2015

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https://www.unified-patent-court.org/sites/default/files/upc-agreement.pdf **ents:**

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