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UPC Update: Opt-Outs Surpass the 100,000 Mark and London Cases to Be Sent to Paris and Munich

With less than two weeks before the long-awaited June 1, 2023 launch, the Unified Patent Court recently addressed two important issues in a set of news releases.

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First, on May 12, 2023, the Court informed the public that as we approach the end of the sunrise period, the number of opt-outs has accelerated and has placed considerable pressure on the Court's Case Management System (CMS). Opt-outs have now exceeded 100,000 patents, with many more expected in the coming weeks. While the Court is actively working to address the technical challenges resulting from these high activity levels, patent holders should file any opt-outs as expeditiously as possible to avoid additional last-minute technical issues and scheduled blackout periods before the system begins accepting new case filings on June 1.

Second, the Presidium decided at its May 8, 2023 meeting that any case that would have been assigned to the London section of the Central Division prior to Brexit will now be split between the Paris and Munich sections, with cases concerning human necessities assigned to Paris and cases concerning chemistry and metallurgy assigned to Munich. The Court continues to wrestle with the relocation of the London section, which will require an amendment to Article 7(2) of the UPC Agreement, to allow the section to be relocated to Milan or another location.

For an overview of the Unified Patent Court, part one of a two-part series on the Unified Patent Court is available [here](#). For strategic considerations, part two of the series is available [here](#).