

April 3, 2014 Status of Ratification of Agreement on a Unified Patent Court

As most know by now, member states of the European Union (“EU”) drafted legislation and a treaty to establish a Unitary Patent and a Unified Patent Court (“UPC”). The treaty is the Agreement on a Unified Patent Court (“the Agreement”).

25 member states of the EU signed the Agreement on February 19th, 2013. But before the UP and UPC can become active, the legislatures of these signatory states must ratify the Agreement so that the Agreement has legal effect in the respective member states.

By the terms of the Agreement, the UP and the UPC only become active after 13 member states, including France, Germany and the United Kingdom, ratify the Agreement.

As of March 31st, Austria and France have ratified the Agreement.

The United Kingdom has drafted and debated a UK intellectual property bill that includes ratification. The House of Lords considered amendments proposed by the House of Commons on April 2, 2014, and this Bill now awaits Royal assent.

Germany, as reported in the World Intellectual Property Review on March 25th 2014, will ratify the Agreement after this summer.

Other member states are also in the process of ratification. Detailed information is available at: http://ec.europa.eu/internal_market/indprop/patent/ratification/index_en.htm