

UK's intention to ratify UPCA brings existence of a single European patent court closer

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British participation in setting up the Unified Patent Court has been uncertain since the vote for Brexit in June 2016, but the UK government recently confirmed that it is continuing to prepare for ratification of the Unified Patent Court Agreement. This is welcome news for all those who want to see a single European patent court.

Several EU countries are striving to set up a common specialised patent court. This Unified Patent Court (UPC) will have competence in respect of European patents and European patents with unitary effect. UPC rulings will have effect in all states that have signed and ratified the [Unified Patent Court Agreement](#) (UPCA). Holders of these types of patents need only apply to one single patent court whose jurisdiction extends to almost the entire EU single market. This will be a huge change from the current system, which generally requires litigation on a country-by-country basis.

The UPC will come into existence after the UPCA enters into force. For this to happen, 13 of the 25 participating states must have ratified the UPCA. The UPCA requires that the 13 states must include the three EU countries with the highest number of European patents in force in 2012 (Germany, the UK and France). Meanwhile, 11 participating states, including France and [the Netherlands](#), have signed and [ratified](#) the UPCA, and [Germany](#) is preparing for ratification as well.

The British government has now [confirmed](#) that it is proceeding with preparations to ratify the UPCA. This is a relief for the UPC initiative because British involvement has been uncertain since the vote in favour of leaving the EU. As the UK is one of the leading countries in the field of patent litigation in Europe, having the UK on board will benefit the quality of the UPC's rulings. Moreover, the UK joining the UPCA means that the rulings will also have effect on British territory, which is an important part of the European economic market.

UK's confirmation means that further delay due to Brexit may be averted. The UPC can now go ahead and may – depending on other factors such as ratification by Germany – be launched at the end of [2017](#).
