



Institut der beim Europäischen Patentamt zugelassenen Vertreter  
Institute of Professional Representatives before the European Patent Office  
Institut des mandataires agréés près l'Office européen des brevets

Ausschuss für Streitregelung  
Litigation Committee  
Commission Procédure Judiciaire

Update 22 April 2016 (original document dated 20 July 2015)

### **UPC Agreement Ratification Process and Local or Regional Divisions**

Before the Unified Patent Court Agreement (UPCA) can enter into force, it needs to be ratified by 13 Member States, including Germany, France and the UK (Art 89(1) UPCA). The **epi**'s Litigation Committee members from the various EU Member States have contributed information on the latest developments in their respective countries with regard to the ratification process. The input has been summarised in the attached table, which also contains news about the potential establishment of local or regional divisions (Art 7 UPCA) and the corresponding languages of proceedings (Art 49 UPCA). This table comprises data from all Signatory States to the UPCA. In addition, Poland, Croatia and Spain are included, being Member States of the European Union and potential candidates for joining the UPC in the future.

	<b>Ratification Process</b>	<b>Local or Regional Division</b>
<b>AT</b>	Austria deposited its instrument of ratification on 6 August 2013.	In January 2015, it was decided by the Council of Ministers to establish a local division in the premises of the Austrian Patent Office in Vienna. It is not yet sure whether, and to what extent, English will be admitted as an additional language of proceedings.
<b>BE</b>	Belgium deposited its instrument of ratification on 6 June 2014.	Belgium is committed to establishing a local division in Brussels, which will operate in the three national languages (French, Dutch and German) plus English.
<b>BG</b>	Bulgaria is the 25th country that signed the UPCA. On 8 April 2016, the ratification bill was adopted by the Bulgarian Parliament. Deposit of the instrument of ratification is likely to still take place in 2016.	Bulgaria is not considering the establishment of a local division, but under certain conditions the establishment of a regional division could be supported. In Bulgaria, there are no court cases on infringement of a European patent. Taking this lack of disputes into consideration, the opinion of the Bulgarian competent authorities is that the benefits of a regional division would be insignificant.
<b>CY</b>	In Cyprus, there is no progress with regard to ratification.	Cyprus has not made proposals for a local or regional division.
<b>CZ</b>	In the Czech Republic, for the moment, no steps are taken for ratification. A study is expected to be carried out on the impact of the UPC on Czech firms and on the Czech economy and budget. It is moreover noted that the present quality of machine translation into Czech must be improved.	There are furthermore no measures for a local or regional division. Discussions with Slovakia in this regard are only at the beginning.
<b>DE</b>	In Germany, a draft law for ratification is available, but it has not yet been brought before the Parliament.	It is planned to have four local divisions in Germany: Munich, Düsseldorf, Mannheim and Hamburg. The premises have been announced. Munich will most likely have English as the second language of proceedings (besides German). Düsseldorf appears to be more reluctant in this respect. It is thus not clear that all local divisions will accept English.

<b>DK</b>	Denmark deposited its instrument of ratification on 20 June 2014.	A local division in Copenhagen with English and Danish as the languages of proceedings is envisaged.
<b>EE</b>	The Ministry of Justice of Estonia has made a draft law for ratification, which might still take place in 2015 but more likely at the beginning of 2016.	Estonia has concluded an agreement with Sweden, Latvia and Lithuania to set up a regional division (the "Nordic-Baltic" division) seated in Stockholm. Its premises have been announced. This will enter into force when two of these countries, including at least Sweden, have ratified the UPC. The Nordic-Baltic division is expected to constitute a flexible organisation which allows for proceedings to also be held in other locations than the seat of the division. The language of the proceedings will be English with interpretation to and from the national languages.
<b>ES</b>	The main political parties in Spain are against the unitary patent package. This has not changed after the decision of the CJEU dismissing Spain's actions. The Spanish profession is divided in this respect. Since there will be general elections at the end of 2015, the position of the newly elected government needs to be awaited.	
<b>FI</b>	Finland deposited its instrument of ratification on 19 January 2016.	Finland plans to create a local division in Helsinki with Finnish, Swedish and English as the languages of proceedings. A proposal in this respect is included in the Government Bill of 28 September 2015. The expenses for the local division were already included in the budget for 2016. The local division will be at the same premises as the Market Court.
<b>FR</b>	France deposited its instrument of ratification on 14 March 2014.	The French government is currently looking for a building for both the local and the central division. There will probably be a building for the beginning and afterwards a more prestigious building which first needs to be refurbished. French and English will be the languages of proceedings. There are ongoing discussions to also accept German. Official information is expected in June 2016.

<b>GB</b>	The UK Parliament adopted the Statutory Instrument [SI] in March 2016. This SI adapts the national patent law with respect to the UP and the UPC. It will enter into force when the UPCA enters into force. A second SI is required to implement to the Protocol on Privileges and Immunities. This is expected to be finished within short time.	The UK plans to have a local division in London. The premises for both the local and the central division will be the “Aldgate Tower”, which is already being prepared.
<b>GR</b>	In Greece there is no progress, until now, regarding the ratification.	
<b>HR</b>	Croatia has a new government. For this reason, there is currently no news on potential plans to join the enhanced cooperation on unitary patent protection.	
<b>HU</b>	It is assumed that Hungary will ratify the UPCA, but it is not known when. A study on the impact of the UPC on the Hungarian economy, ordered by the Hungarian Patent Office, has been conducted. The outcome of this study was negative. However, a new study has been ordered by the Ministry, which is the competent body. The result of the study will not be binding.	Hungary may establish a local division with Hungarian and English as the languages of proceedings. Another option is to take part in a regional division.
<b>IE</b>	Before Ireland is able to ratify the UPCA, a referendum will be necessary. Ireland has a caretaker government at the moment. Therefore, ratification is not expected soon.	If the Agreement is ratified, it is expected that a local division will be established in Ireland.
<b>IT</b>	On 30 Sept 2015 Italy has joined the unitary patent and become the 26th member of the enhanced cooperation on unitary patent protection. Italy has not ratified the UPCA yet, but the process has started and the ratification instrument is being discussed.	Italy intends to have a local division with seat in Milano. Possible premises have been identified.
<b>LT</b>	A working document for ratification of the UPCA, which	Lithuania will take part in the “Nordic-Baltic” division (see above under

	has been prepared by the Lithuanian State Patent Bureau, has been circulated in Government. It is not available to the public. Ratification is expected to take place on 1 July 2017.	"Estonia").
<b>LU</b>	Luxembourg deposited its instrument of ratification on 22 May 2015.	Luxembourg will not have a local or regional division. This means that all cases will be brought before the central division (Art 33(1) UPCA). The premises of the Court of Appeal have been decided.
<b>LV</b>	In Latvia, currently the Ministry of Justice is planning to submit documents on the ratification to the Cabinet of Ministers in the first half of year 2016.	Latvia will take part in the "Nordic-Baltic" division (see above under "Estonia").
<b>MT</b>	Malta deposited its instrument of ratification on 9 December 2014.	Malta will not have a local or regional division. This means that all cases will be brought before the central division (Art 33(1) UPCA).
<b>NL</b>	In order to ratify the UPCA, the Dutch Patent Act needs to be amended. Together with the ratification act, this is treated as a package. The bill is currently before Parliament.	The Council of Ministers formally decided that there will be a local division in The Hague. A study commissioned by the Ministry of Economic Affairs had pointed to rather limited benefits (or even an overall cost) of having an own local division, but there are expected to be substantial indirect benefits.
<b>PL</b>	Even though Poland participated in the enhanced cooperation concerning unitary patent protection, it decided not to sign or ratify the UPCA. This position has not changed.	
<b>PT</b>	Portugal deposited its instrument of ratification on 28 August 2015.	
<b>RO</b>	In Romania, the ratification process is ongoing. The Ministries of Justice and Foreign Affairs will sign the Protocol on provisional application, when it will be forwarded to the Government for approval. Ratification by Romania is expected to be finished in the second half of 2016.	At the present moment, Romania is taking into consideration setting up a local division. A final decision in this respect has not yet been taken.
<b>SE</b>	Sweden deposited its instrument of ratification on 5	Sweden will take part in the "Nordic-Baltic" division (see above under

	June 2014.	"Estonia").
<b>SI</b>	In Slovenia an inter-ministerial group for unitary patent package was formed in July 2013, which is preparing documents for ratification of the UPCA. The ratification process is ongoing. However, the time frame for its completion is still rather undetermined. Ratification is not expected within this year.	A tripartite expert meeting with respect to forming a potential regional division was held in 2014 with the representatives of Hungary and Croatia, which expressed their interest for partnership in the regional division. Croatia would join such regional division subsequently, following the signing and ratification of the UPCA.
<b>SK</b>	The Slovak Republic has not moved to ratifying the UPCA. It will wait until the system is operational. Officials are discussing whether a study on the impact of the UPC on the Slovak economy should be conducted. There are concerns about the increase in density of patents, the level of the fees and the pro-patent approach of the UPC. The Ministry of Justice will look into the CJEU decisions.	There are no concrete steps for a local or regional division. The Ministry of Justice is involved in formal discussions with Czech colleagues in this regard. Brno has been considered as a possible seat of the local division.