

# Report of the EPPC – UPC subcommittee

P. Ocvirk (LU), Chair

**Latest developments.** Before the summer break, The German Constitutional Court has rejected two applications for an interim injunction against the German UPC laws (decision of the *BVerfG*).<sup>1</sup>

In the meantime, the German legislation enabling Germany to ratify the UPC Agreement and its Protocol on Provisional Application (PPA) was published in the *Bundesgesetzblatt Teil II* (Federal Law Gazette) Part II (No. 18, 12 August 2021) and came into force on 13 August 2021.

The consent of Germany and two other countries to the UPC's provisional application phase is required for this phase to come into force (consent being by ratifying the PPA or by other means set out in the PPA). It is understood that at least two countries have indicated that they are in a position to consent relatively quickly. During the provisional application phase, final preparation, including recruit-

ment of judges, can take place. It is expected that this phase is likely to last at least 6-8 months, with the UPC Preparatory Committee having stated that it will publish in due course a timeline and plan for the start of the phase and its execution.

Although having passed the UPC laws, Germany has not yet deposited its instrument of ratification with the General Secretariat of the Council of the EU (and is expected to wait until it is clear when the Court will be ready to open), as the UPC Agreement will enter into force on the first day of the fourth month after the deposit.

A. Ramsay, UPC Chairman, estimates that the UPC will start operations around mid-2022. (read here: <https://www.unified-patent-court.org/news/what-decision-german-federal-constitutional-court-means-unified-patent-courts-timeplan>)

<sup>1</sup> <https://www.bundesverfassungsgericht.de/SharedDocs/Pressemitteilungen/EN/2021/bvg21-057.html>

## Note of the Disciplinary Committee

P. Rosenich (LI), Chair, W. Fröhling (DE), Vice-Chair



Paul Rosenich



Werner Fröhling

We remind you that the Regulation on Discipline for Professional Representatives and the **epi** Code of Conduct (cf. chapters XIV.2 and XIV.3 of the supplementary publication no. 1 of the OJ of the EPO) apply only to members of the Institute ("**epi**-Member"). As a consequence a complaint regarding any failure in complying with the rules set up in the Regulation and the Code of Conduct may only be directed against an **epi** member. In case such failure is attributable to an IP law firm as such a complaint may be directed against any **epi** member being in a responsible position in that IP law firm (e.g. a partner).