

Update 18 October 2022 (original document dated 20 July 2015)

## Overview on Ratification of the UPC Agreement

### Including Protocol on Provisional Application, Local/Regional/Central Divisions, Languages of Proceedings

Before the Unified Patent Court Agreement (UPCA) can enter into force, it needs to be ratified by 13 Member States, including the three Member States in which the highest number of European patents had effect in the year preceding the year in which the signature of the Agreement took place (Art 89(1) UPCA). Germany, being one of these three Member States, still needs to deposit its instrument of ratification. The UPCA will enter into force on the first day of the fourth month after Germany's deposit (Art 89(1) UPCA). The Protocol on Provision Application (PPA) has entered into force on 19 January 2022.

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 ratification of the UPCA and consent to be bound by the PPA. The input has been summarised in the attached table. They have also provided data on the establishment and seats of local or regional divisions (Art 7 UPCA) and the designated languages of proceedings (Art 49 UPCA). The 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.

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	<b>Ratification UPCA</b>	<b>Status</b>	<b>Bound by PPA</b>	<b>Seats and languages of local, regional and central divisions</b>
<b>AT</b>	Yes		Yes	Austria will have a local division in Vienna with one legally qualified judge. The seat will be in the building of the Arbeits- und Sozialgericht Wien (Vienna Labor and Social Court): Althanstraße 39-45, 1091 Wien The languages of the proceedings will (presumably) be German and English.
<b>BE</b>	Yes		Yes	Belgium will have a local division in Brussels with one legally qualified judge. The seat will be at: City Atrium Building, Federal Ministry of Economic Affairs and SME's, 4th floor, Rue du Progrès 50, 1210 Bruxelles. The languages of the proceedings will be French, Dutch, German and English.
<b>BG</b>	Yes		Yes	Bulgaria is not considering the establishment of a local division, but under certain conditions the establishment of a regional division could be supported.
<b>CY</b>	No	In Cyprus, there is no progress with regard to ratification.	No	Cyprus has not made proposals for a local or regional division.
<b>CZ</b>	No	In the Czech Republic, for the moment, no steps are taken for ratification. A study carried out reported a negative 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.	No	There are no measures for a local or regional division. Discussions with Slovakia in this regard are only at the beginning.

DE	No	<p>In Germany, after a number of constitutional challenges, the President signed the ratification law on 7 August 2021, as officially published on 12 August 2021. The instrument of ratification of the UPC Agreement has not yet been deposited with the General Secretariat of the Council of the European Union. This is expected to take place in December 2022 (source: Implementation roadmap published on 6 October 2022 on <a href="https://www.unified-patent-court.org">https://www.unified-patent-court.org</a>).</p> <p>On 13 July 2022, further constitutional complaints were rejected by the Federal Constitutional Court.</p>	Yes	<p>Germany will have four local divisions in Munich, Düsseldorf, Mannheim and Hamburg, each with two legally qualified judges.</p> <p>The seats of the local divisions will be at:          Denisstraße 3, 80335 München          Cecilienallee 3, 40474 Düsseldorf          Schubertstraße 11, 68165 Mannheim          Sievekingplatz 1, 20355 Hamburg</p> <p>The seat of the central division will be at:          Cincinnatistrasse 64, 81549 München</p> <p>The languages of the proceedings of the local divisions will be German and English. Düsseldorf may apply the limitations of Rule 14(2)(c) UPC RoP.</p>
DK	Yes		Yes	<p>Denmark will have a local division in Copenhagen with one legally qualified judge.</p> <p>The seat will be at the at the Maritime and Commercial Court:          Amaliegade 35, 2nd floor, 1256 Copenhagen K.</p> <p>The languages of the proceedings will be Danish and English.</p>
EE	Yes		Yes	<p>Estonia together with Sweden, Latvia and Lithuania will have a regional division (the “Nordic-Baltic” division) mainly located in Stockholm with two legally qualified judges.</p> <p>The seat will be at the premises of Stockholms tingsrätt (Stockholm District Court):          Scheelegatan 7, 112 28 Stockholm.</p> <p>The Nordic-Baltic division is expected to constitute a flexible organisation which allows for proceedings to</p>

				<p>also be held in other locations than the seat of the division.</p> <p>Estonia intends to provide facilities for hearings at the premises of the Harju Maakohus (Harju County Court) in Tallinn.</p> <p>The language of the proceedings will be English. The use of interpretation facilities in court hearings shall be provided in accordance with the UPC Agreement and the Rules of Procedure of the Unified Patent Court.</p>
<b>ES</b>	No	The Spanish government (in power since January 2020) has not considered, or at least publicly referred to, the Unitary Patent Package. It seems this is an issue of no relevance for the Spanish government at the moment.	No	
<b>FI</b>	Yes		Yes	<p>Finland will have a local division in Helsinki with one legally qualified judge.</p> <p>The seat will be at the Market Court:          Sörnäistenkatu 1, 00580 Helsinki.</p> <p>The languages of the proceedings will be Finnish, Swedish and English.</p>
<b>FR</b>	Yes		Yes	<p>France will have a local division in Paris with two legally qualified judges.</p> <p>The seats of the local division and of the central division will be at the Palais de Justice. There will be a provisional building for the beginning at:          5 Rue Saint-Germain l'Auxerrois, 75001 Paris.</p> <p>The languages of the proceedings of the local division will be French, English and possibly German.</p>

<b>GB</b>	<i>n.a.</i>	<i>On 20 July 2020, due to Brexit, the UK officially withdrew its ratification of the UPCA by depositing a notification with the Council Secretariat.</i>	<i>Withdrawn</i>	<i>London is explicitly mentioned in Art 7(2) UPC Agreement as one of the sections of the central division. The redistribution of the cases originally foreseen for the London section needs to be decided. It seems that the cases will temporarily be divided between Paris and Munich.</i>
<b>GR</b>	No	A consultation on the draft ratification law was completed at the beginning of 2017. In May 2017, the Greek government commissioned a study on the impact of unitary patent protection on the Greek economy.	No. Greece signed the PPA but is not bound.	The ratification law proposes the creation of a local division, which would be located in Thessaloniki.
<b>HR</b>	No	Croatia is still at a preparatory stage of joining the enhanced cooperation on unitary patent protection. Our contacts at the Croatian IPO and the Ministry of Justice have unofficially confirmed their support of UPCA. Said support was backed by a positive attitude of the High Administrative Court and High Commercial Court towards the matter. Furthermore, we have been unofficially informed that Croatian IPO has been enticed by the Ministry of Justice to take initiative and to bring the subject to the competent authorities' attention again, which could result in expediting the preparatory stage.	No	
<b>HU</b>	No	Ratification of the UPCA has been delayed due to a decision of the Hungarian Constitutional Court from 26 June 2018. The decision followed a request filed by the Minister of Justice on behalf of the Hungarian Government regarding the interpretation of the Hungarian Constitution. The Court took the view that ratification of the UPCA did not comply with the	No. Hungary signed the PPA but is not bound.	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.

		Constitution. Therefore, an amendment to the Constitution will be necessary before Hungary can ratify.		
<b>IE</b>	No	Before Ireland is able to ratify the UPCA, a referendum will be necessary. On 28 June 2022, the Irish government reaffirmed its commitment to participate in the UP/UPC and to hold a referendum to enable Ireland to do so. The referendum is expected to take place in 2023 or at the latest in 2024.	No	If the Agreement is ratified, it is expected that a local division will be established in Ireland.
<b>IT</b>	Yes		Yes	Italy will have a local division in Milan with two legally qualified judges. The seat will be at: Via San Barnaba 50, 20122 Milano. The languages of the proceedings will be Italian and English. Milan has been suggested as an alternative for the London section of the central division.
<b>LT</b>	Yes		No	Lithuania will take part in the “Nordic-Baltic” division (see above under “Estonia”). Lithuania will provide facilities for hearings at the premises of the Vilnius Regional Administrative Court: Žygimantų g. 2 , 01102 Vilnius
<b>LU</b>	Yes		Yes	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). Luxembourg will host the Court of Appeal and the Court’s Registry. The premises will be in a building with the EFTA Court:

				Nouvel Hémicycle, 1, rue du Fort Thüngen, L-1499 Luxembourg.
<b>LV</b>	Yes		No	Latvia will take part in the “Nordic-Baltic” division (see above under “Estonia”).
<b>MT</b>	Yes		No	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>	Yes		Yes	The Netherlands will have a local division in The Hague with two legally qualified judges. The seat will be at the central station in The Hague, where it is also planned to have an international arbitration court. The languages of the proceedings will be Dutch and English.
<b>PL</b>	No	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.	No	
<b>PT</b>	Yes		No	Portugal will have a local division in Lisbon with one legally qualified judge. The seat will be in the present building of the civil court of Lisbon: Palácio da Justiça de Lisboa, Rua Marquês de Fronteira 1098-001 Lisboa. The languages of the proceedings will be Portuguese and English.
<b>RO</b>	No	In Romania, draft legislation for ratification of the UPCA and the PPA was published for consultation by the Ministry of Justice in June 2017.	No. Romania signed the PPA but is not bound.	Romania does not intend to host a local division.



<b>SE</b>	Yes		Yes	Sweden will take part in the “Nordic-Baltic” division (see above under “Estonia”). The seat will be at the premises of Stockholms tingsrätt (Stockholm District Court): Scheelegatan 7, 112 28 Stockholm.
<b>SI</b>	Yes		Yes	Slovenia will have a local division in Ljubljana with one legally qualified judge. The Ministry of Justice is looking for suitable premises. The language of the proceedings will be Slovene. It is under consideration whether to also designate one of the official languages of the EPO.
<b>SK</b>	No	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.	No	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.