

# Unitary Patent System – UPDATE

**Unitary Patent System expected to be up and running by the end of 2017.**



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The Preparatory Committee of the Unified Patent Court (UPC) announced on 16 January 2017 that it expects the new Court to be open for business in less than a year's time in December 2017.

Judicial appointments are expected to be made in May 2017 and the sunrise period during which proprietors will be able to opt their existing patent portfolios out of the jurisdiction of the new Court before actions can be started is expected to start in September 2017.

The above timing is dependent on ratification of the relevant Agreement by the UK and German Governments, but both Governments have stated their intention to proceed with ratification within that timescale and both Governments have recently taken concrete steps towards that goal.

Holders of European Patents should start considering whether or not they wish to use the new system or opt out of it. Please see our [Guide to the Unitary Patent and Unified Patent Court](#) for further information on how the new system is expected to work and its

advantages and disadvantages.

## **The UK intends to remain part of the Unitary Patent System after Brexit**

Following the UK's decision to leave the European Union, something which is expected to happen within 2 years of March 2017, there was doubt expressed as to whether it will be possible for the UK to remain part of the Unitary Patent System. The UK Government has stated on several occasions that it wishes the UK to remain part of the Unitary Patent System post-Brexit and there is a clearly a desire among users both in the UK and the rest of the EU for that to happen.

Whatever occurs, we promise to keep you updated.

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