

## Unified Patent Court Agreement ratified by the UK

The UK ratified the Unified Patent Court Agreement (“UPCA”) on 26 April 2018. The UPCA will introduce the Unified Patent Court which will establish a single scheme for patent litigation across contracting Member States.

The Unified Patent Court will establish a common court with competence in respect of European patents and European patents with unitary effect (“**Unitary Patents**”). The Unitary Patent will offer uniform patent protection in Europe by submitting a single request to the European Patent Office, which will reduce complexity and lower costs while offering standardized application and renewal procedures.

Announcing this most recent development at IPAN’s World IP Day event, the Minister for IP, Mr Sam Gyimah MP said:

*“The UK is overflowing with innovative businesses, with pockets of this innovation spread up and down the country. These businesses are the lifeblood of local economies by boosting income and creating jobs.*

*Ratification of this important Agreement demonstrates that internationally, as well as at home, the UK is committed to strong intellectual property protections. This will help to foster innovation and creativity, bringing our modern and ambitious Industrial Strategy to life.”*

The UK is the sixteenth country to ratify the UPCA, and is one of the three countries whose ratification is required for the regime to come into being, the others being France and Germany. France ratified in 2014, while Germany has yet to finalise the legislative process to ratify the UPCA. Following the submission of a constitutional complaint against the German

participation in the UPC system before the German Federal Constitutional Court in mid-2017, ratification of the UPCA was put on hold. The Federal Constitutional Court is expected to rule on the complaint in autumn 2018. If the Court dismissed the complaint, ratification would likely happen shortly after that.

Joining the UPCA as a contracting Member State will mean that, despite Brexit, the UK will have access to a streamlined, singular approach to patent enforcement across Europe, at least during the transitional period to follow Brexit, which will give the UK time to renegotiate its continued involvement in the UPC following the end of that period.

If you have any questions or comments in relation to the above, please contact the authors or your usual Mayer Brown contact.

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