

# Unified Patent Court

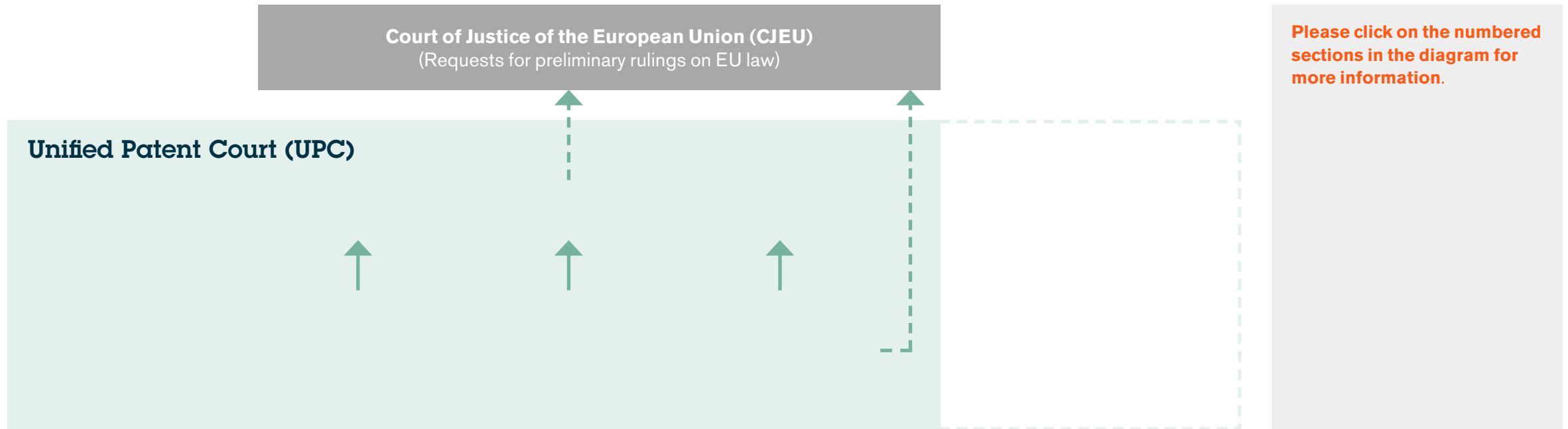
## The basics



## UPC Structure

The Unified Patent Court (UPC) is a common court to the EU Member States that have ratified the UPC Agreement (Contracting Member States) (for more information see [UPC Map](#) and our [UPC FAQs](#)). Eventually, the UPC will have exclusive competence in the Contracting Member States with respect to Unitary Patents (UPs) and European Patents (EPs) (subject to the opt out exceptions during the transitional period, for more information on opt out see our [UPC FAQs](#)). The UPC's rulings will have effect in the Contracting Member States that have ratified the UPC Agreement at the time of the ruling.

The UPC is comprised of a Court of First Instance, a Court of Appeal, and a Registry. In addition, there will also be a Patent Mediation and Arbitration Centre and a Training Centre.



# UPC Locations

Court of First Instance			Court of Appeal	Registry	Patent Mediation and Arbitration Centre	Training Centre
Central divisions	Local divisions (number of legally qualified judges)	Regional divisions (number of legally qualified judges)	Luxembourg	Paris, France (central Registry)	Ljubljana, Slovenia Lisbon, Portugal	Budapest, Hungary
Paris, France Munich, Germany	Vienna, Austria (1) Brussels, Belgium (1) Copenhagen, Denmark (1) Helsinki, Finland (1) Paris, France (2) Düsseldorf, Germany (2) Hamburg, Germany (2) Mannheim, Germany (2) Munich, Germany (2) Milan, Italy (2) Lisbon, Portugal (1) Ljubljana, Slovenia (1) The Hague, the Netherlands (2)	Nordic-Baltic division (2): Stockholm, Sweden Vilnius, Lithuania Riga, Latvia Tallinn, Estonia				



# UPC Map

## Participating countries

Click on a country for more information.

As it currently stands, when the UPC goes live there will be 17 countries participating in the UP system (shown on the map to the right). Unless other countries join before then, UPs and UPC rulings will only have effect in these 17 countries.

Cyprus, Czechia, Greece, Hungary, Ireland, Romania, and Slovakia have all signed the UPCA but have not yet ratified it and therefore are not participating in the UP system at present.

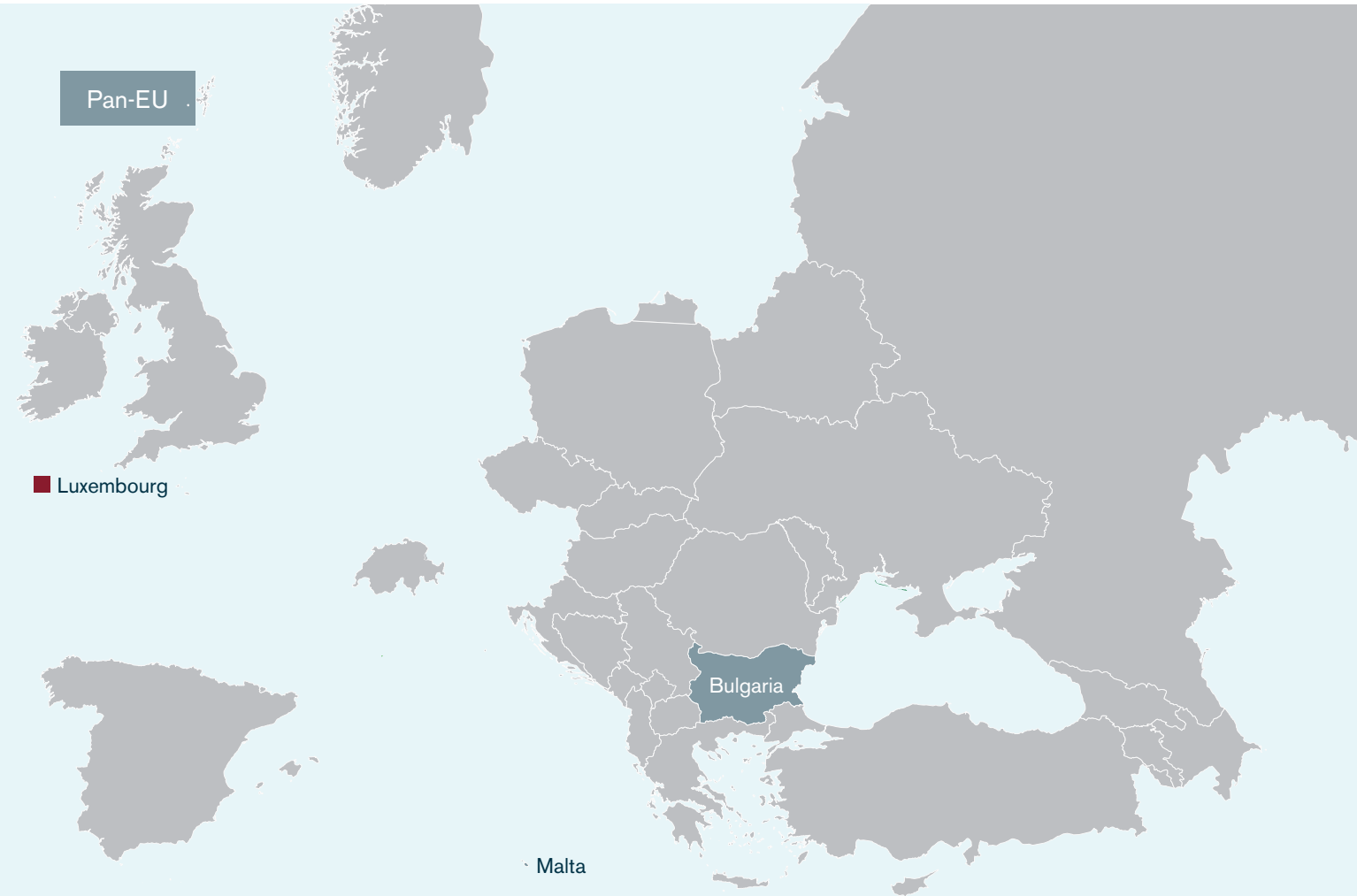
Croatia still needs to sign and ratify the UPCA and so is not participating in the UP system at present.

Poland and Spain have said they will not participate in the UP system.

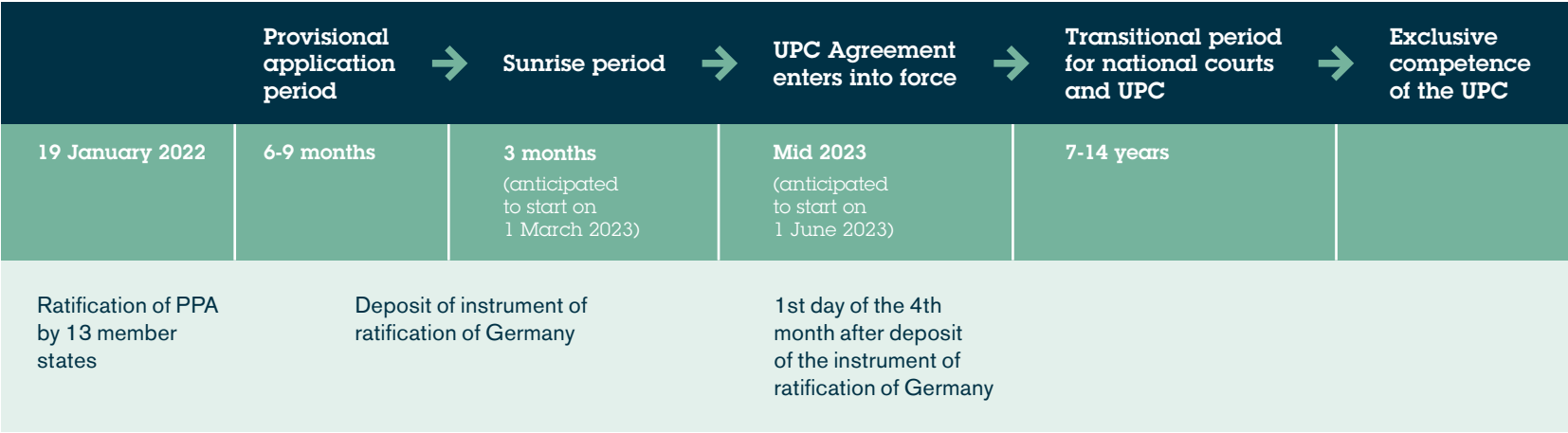
As the UK is no longer an EU Member State, it will not participate.

Other non-EU European Patent Convention contracting states will also not be able to participate, which are: Albania, Iceland, Liechtenstein, Monaco, North Macedonia, Norway, San Marino, Serbia, Switzerland, and Turkey.

To recall this introduction at any stage please click the **UPC Map** button in the lower navigation.



# UPC Timeline



Following ratification by a thirteenth member state, Austria, the Protocol to the Agreement on a Unified Patent Court on provisional application came into force on 19 January 2022. This gave legal capacity to the Unified Patent Court (UPC) and began the provisional application phase (PAP).

Commencement of the PAP means Germany's deposition of its ratification of the UPC Agreement will be the trigger event for the UPC. Once this ratification instrument is deposited, a three month "sunrise period" will begin – a three-month window before the UPC becomes operational.

When the sunrise period ends we will enter a transitional period. During the transitional period, the UPC will have exclusive jurisdiction for all Unitary Patents (UPs) while both national courts and the UPC will have jurisdiction for traditional European Patents (EPs) that are not opted out. The transitional period will last for seven years, but may be prolonged by up to a further seven years.

Once the transitional period ends, the UPC will have exclusive competence for all EPs and UPs with respect to the EU Member States that have ratified the UPC Agreement.

The UPC had released an **Implementation Roadmap** that indicated that the UPC would open on 1 April 2023, with the sunrise period beginning on 1 January 2023. However, due to issues with accessing the Case Management System, the UPC has **postponed** the timeline by two months. The sunrise period is now anticipated to begin on 1 March 2023, with the court expected to be operational from 1 June 2023.

# Useful links – legislation and other documents

## Legislation

**Agreement on a Unified Patent Court (UPCA)**

**Protocol to the Agreement on a Unified Patent Court on provisional application (PPA)**

**Signature and ratification of PPA progress**

**Protocol on Privileges and Immunities of the UPC (PPI)**

**Signature and ratification of PPI progress**

**Regulation 1257/2012** implementing enhanced cooperation in the area of the creation of unitary patent protection (UP Regulation)

**Regulation 1260/2012** implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (UP Translation Regulation)

**Regulation 1215/2012** on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (as amended) (Recast Brussels Regulation)

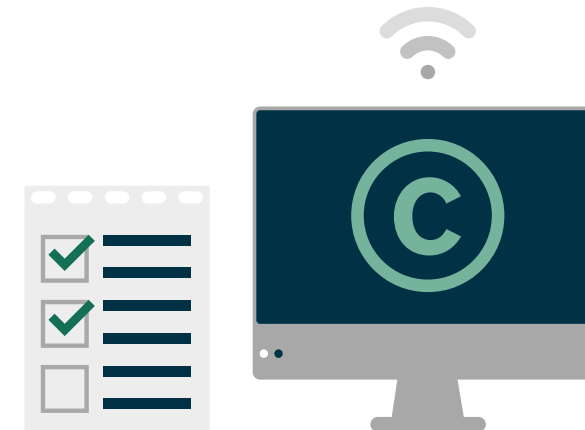
## The UPC

**Rules of Procedure**

**Table of Court Fees**

**Locations**

**Rules of Operation of the Patent Mediation and Arbitration Centre**



## Contacts

Please reach out to your usual Osborne Clarke contacts or one of our contacts below to discuss how we might be able to assist you. Click photo for full biography:



**Johannes Graf Ballestrem**  
**Partner, Germany**

T +49 221 5108 4246  
johannes.ballestrem@osborneclarke.com



**Tim Reinhard**  
**Partner, Germany**

T +49 89 5434 8024  
tim.reinhard@osborneclarke.com



**Xavier Pican**  
**Partner, France**

T +323 1 84 82 45 88  
xavier.pican@osborneclarke.com



**Tim Harris**  
**Partner, UK**

T +44 207 105 7144  
tim.harris@osborneclarke.com



**Will James**  
**Partner, UK**

T +44 207 105 7774  
will.james@osborneclarke.com



**Trevor Crosse**  
**Partner**

T +44 207 105 7329  
trevor.crosse@osborneclarke.com



**Valentin de le Court**  
**Counsel, Belgium**

T +32 2 515 93 62  
valentin.delecourt@osborneclarke.com



**Konstantin Sitte**  
**Counsel, Germany**

T +49 89 5434 8034  
konstantin.sitte@osborneclarke.com



**Stephan Reisner**  
**Senior Associate, Germany**

T +49 221 5108 4246  
stephan.reisner@osborneclarke.com



**Robyn Trigg**  
**Knowledge Lawyer, UK**

T +44 207 105 7338  
robyn.trigg@osborneclarke.com

## Osborne Clarke in numbers

# 1240+

talented lawyers

working with

# 320+

expert Partners

in

# 25

international locations\*

advising across

# 8

core sectors

with insight into

# 3

Transformational trends

driven by

# 1

client-centred approach

## Our locations around the world

### Europe

Belgium: Brussels  
France: Paris  
Germany: Berlin, Cologne, Hamburg, Munich  
Italy: Busto Arsizio, Milan, Rome  
The Netherlands: Amsterdam  
Poland: Warsaw  
Spain: Barcelona, Madrid, Zaragoza  
Sweden: Stockholm  
UK: Bristol, London, Reading

### USA

New York, San Francisco

### Asia

China: Shanghai  
India\*: Bangalore, Mumbai, New Delhi  
Singapore

Osborne Clarke is the business name for an international legal practice and its associated businesses. Full details here: [osborneclarke.com/verein/](https://osborneclarke.com/verein/)

\*Services in India are provided by a relationship firm

[osborneclarke.com](https://osborneclarke.com)