

Unified Patent Court

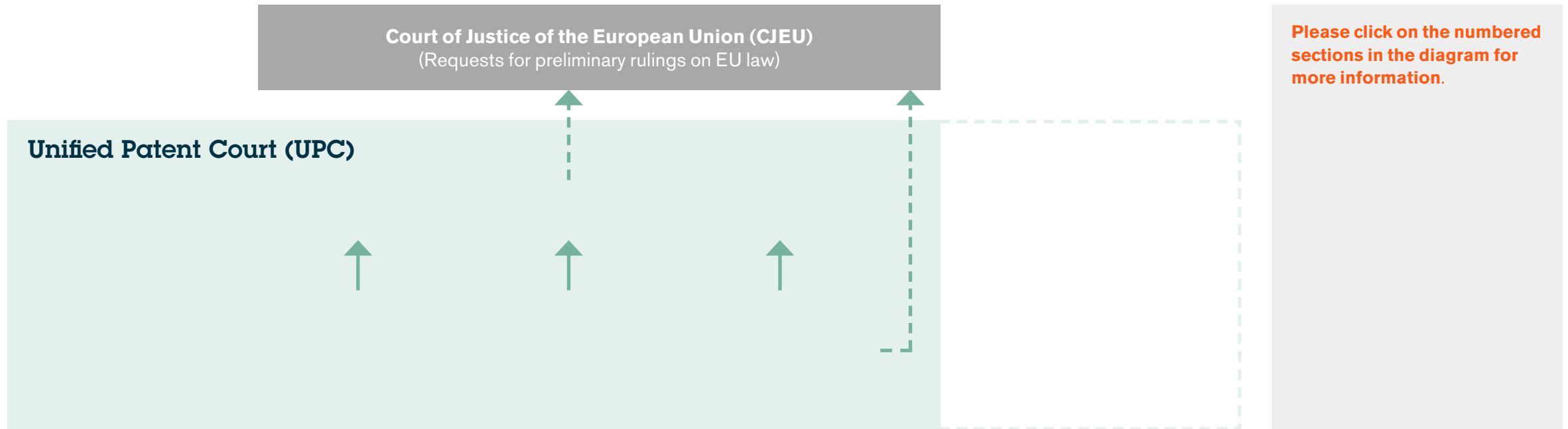
The basics



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.

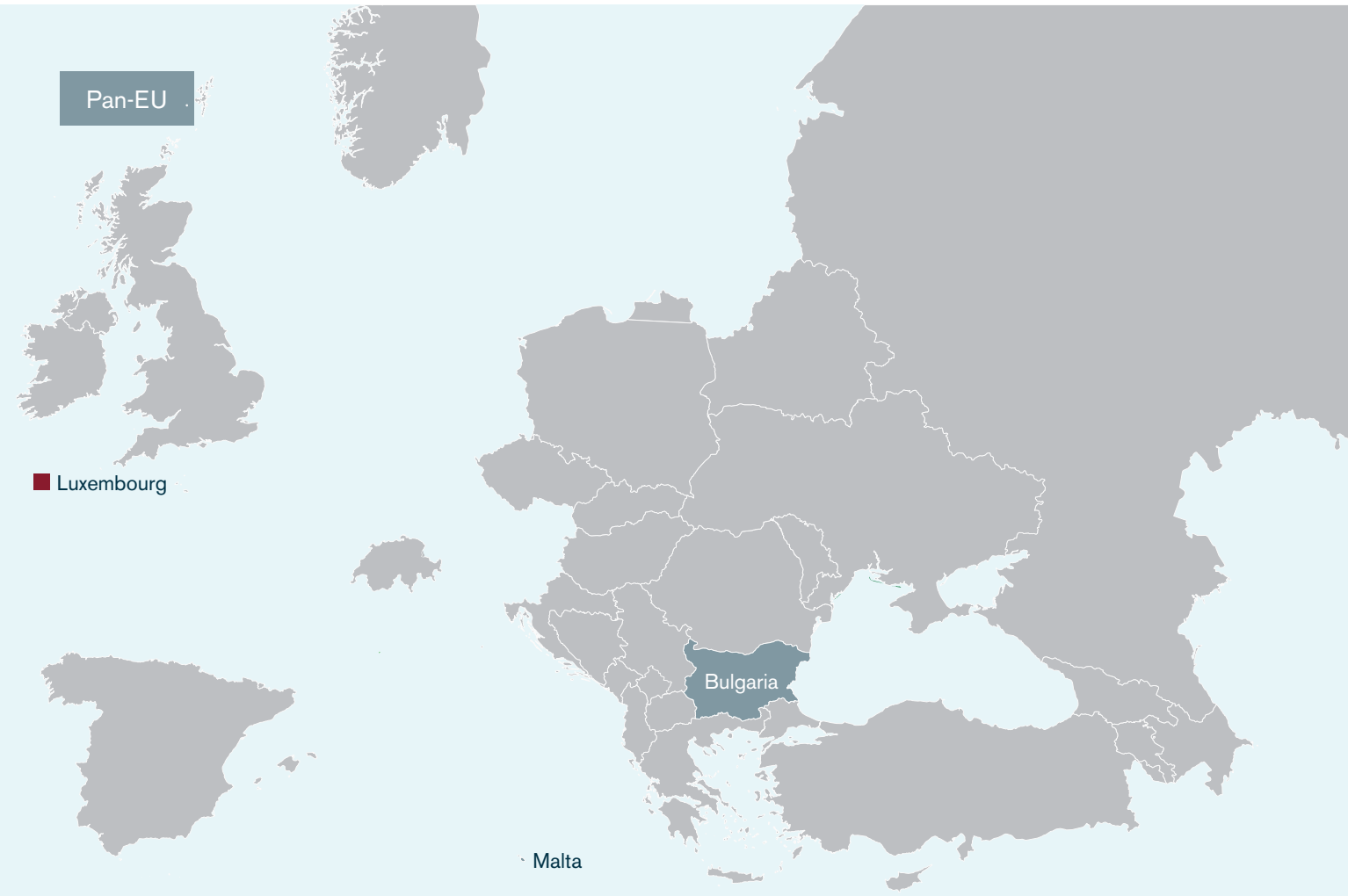
Croatia still needs to sign and ratify the UPCA and so is not participating in the UP system at present.

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

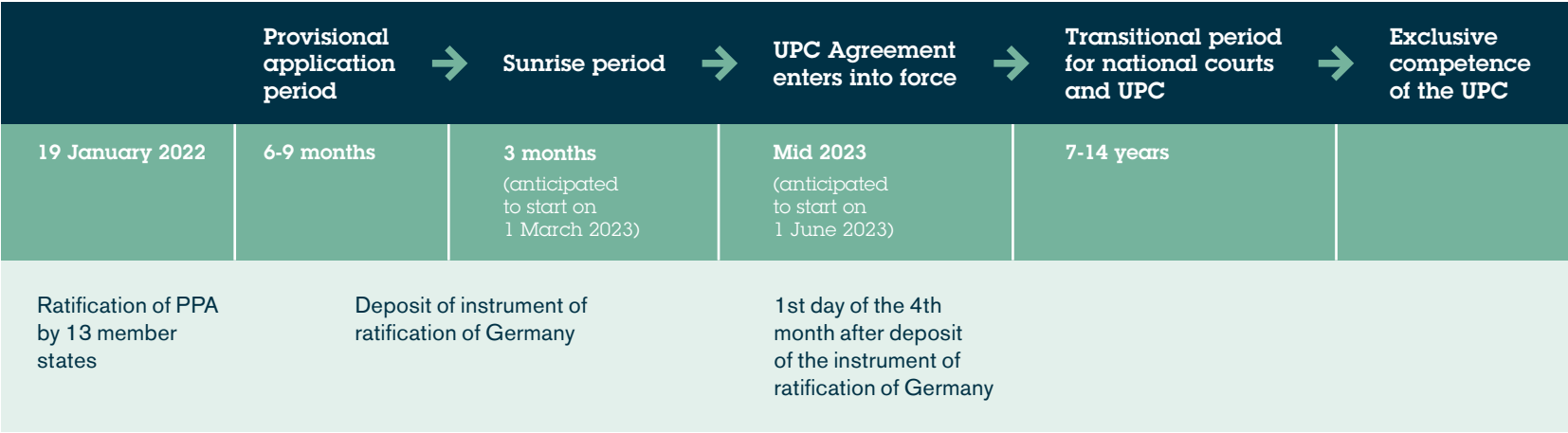
As the UK is no longer an EU Member State, it will not participate.

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)

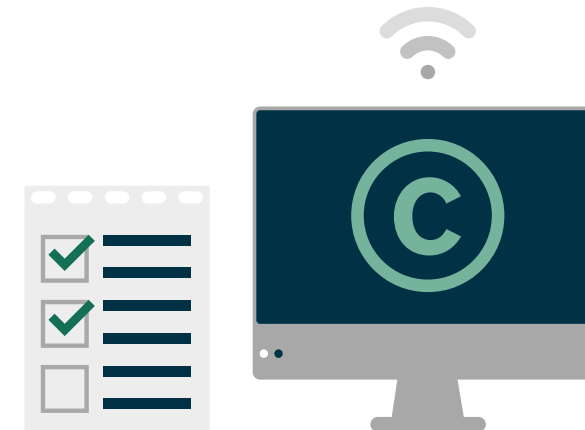
The UPC

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:



Robyn Trigg
Knowledge Lawyer, UK
T +44 20 7105 7338
robyn.trigg@osborneclarke.com



Ethan Plumb
Associate, UK
T +44 20 7105 7049
ethan.plumb@osborneclarke.com



Agnieszka Sztoldman
Counsel, Poland
T +48 503 973 626
agnieszka.sztoldman@osborneclarke.com



Arty Rajendra
Partner, UK
T +44 20 7105 7850
arty.rajendra@osborneclarke.com



Xavier Pican
Partner, France
T +323 1 84 82 45 88
xavier.pican@osborneclarke.com



Johannes Graf Ballestrem
Partner, Germany
T +49 221 5108 4246
johannes.ballestrem@osborneclarke.com



Tim Harris
Partner, UK
T +44 20 7105 7144
tim.harris@osborneclarke.com



Tim Reinhard
Partner, Germany
T +49 89 5434 8024
tim.reinhard@osborneclarke.com



Will James
Partner, UK
T +44 20 7105 7774
will.james@osborneclarke.com



Valentin de la Court
Counsel, Belgium
T +32 2 515 93 62
valentin.delecourt@osborneclarke.com



Trevor Crosse
Partner, UK
T +44 20 7105 7329
trevor.crosse@osborneclarke.com



Anna Rawlings
Senior Associate, UK
T +44 20 7105 7154
anna.rawlings@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/

*Services in India are provided by a relationship firm

osborneclarke.com