

---

## The UK Decides to Ratify the UPC Agreement: The UPC and Unitary Patent to Proceed in 2017

NOVEMBER 30, 2016

As we have reported previously, it had been thought that the UK's vote on June 23, 2016 to leave the European Union would delay the commencement of the Unified Patent Court (UPC) and the introduction of the unitary patent. Some had even questioned whether the UPC and unitary patent would survive at all. The reason is that, in order for the UPC to commence, and for unitary patents to be granted, the Unified Patent Court Agreement must be ratified by 13 countries, including at least the UK, France and Germany. It was thought that the UK would either be unwilling to ratify the agreement in light of the referendum result, or else that the ratification would feature as part of the wider exit negotiations, and so be delayed. However, on November 28, 2016, the UK Minister of State for Intellectual Property announced at the EU Competitiveness Council that the UK will ratify the UPC Agreement. Although the ratification by the UK Parliament may encounter some resistance from certain Members of Parliament, it is expected to pass. This means that the UPC will now commence, and the first unitary patents will be granted, in 2017.

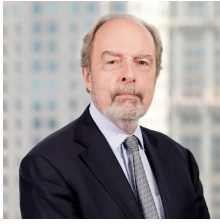
In light of the opt-out sunrise period probably commencing in the first half of 2017, we advise that you formulate your strategy as to which European patents and applications to opt out, if you have not already done so.

Please download the PDF below to read our more detailed note about this news, which also discusses opt-out strategy.

[Download PDF](#)

---

***Authors***



## Trevor Cook

RETIRED SENIOR  
COUNSEL

✉ [trevor.cook@wilmerhale.com](mailto:trevor.cook@wilmerhale.com)

☎ +1 212 230 8826



## Lisa J. Pirozzolo

PARTNER

✉ [lisa.pirozzolo@wilmerhale.com](mailto:lisa.pirozzolo@wilmerhale.com)

☎ +1 617 526 6388



## Mark D. Selwyn

PARTNER

Co-Chair, Intellectual Property  
Litigation Practice Group

✉ [mark.selwyn@wilmerhale.com](mailto:mark.selwyn@wilmerhale.com)

☎ +1 650 858 6031



## Anthony Trenton

PARTNER

✉ [anthony.trenton@wilmerhale.com](mailto:anthony.trenton@wilmerhale.com)

☎ +44 (0)20 7872 1005