

Germany ratifies the Protocol on Provisional Application

27 September 2021

Germany ratifies the Protocol on the Provisional Application of UPC Agreement (PAP-Protocol) and paves the way for the Unified Patent Court.

Today, the German government deposited the instrument of ratification for the PAP-Protocol. This is a decisive step on the way to the establishment of the Unified Patent Court after the work had been on hold for several years during the examination of the Agreement by the German Federal Constitutional Court (FCC). Following the decision of the FCC published in July this year the German law for the ratification of the UPCA and its Protocols was signed by the President and published in August allowing Germany now to proceed with ratification.

The German Federal Justice Minister Christine Lambrecht, in her Press statement today, welcomes that the Unified Patent Court is taking shape and will take up its work in due course underlining the importance of the European Patent Reform for innovative industry in Europe.

The participating EU-Member States will take stock when they meet in the Competitiveness Council on 29 September. Beside Germany, two further ratifications of the PAP-Protocol are necessary to enter the final phase for the set-up of the Unified Patent Court. It is expected that the required ratifications will soon be attained triggering the implementation of the UPC as an international organization. In this phase of provisional application will take place e.g.: the adoption of the secondary legislation and the Court's budget, the completion of the electronic case management system including stress testing, the process to select and appoint the judges of the Court. When it is clear that the UPC will be operational upon the entry into force of the UPCA the final ratification of the Agreement by Germany can take place serving as a "gatekeeper" for Member States to ensure a proper process.

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