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When will the UPC come into existence?

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The UPC will come into existence and start its operations immediately after the UPC Agreement enters into force.

The Agreement will enter into force on the first day of the fourth month after the fulfilment of the following two requirements (whichever is the latest):

1. The deposit of the thirteenth instrument of ratification, including Germany, the United Kingdom and France (the three Contracting Member States in which the highest number of European patents had effect in 2012).
2. The date of entry into force of the amendments to Regulation (EU) No 1215/2012 (Brussels I Regulation) concerning its relationship with the Agreement.

The Preparatory Committee is working towards early 2015 as a target date when it is deemed that this can be accomplished.

When will the necessary amendment of Regulation (EU) No 1215/2012 (Brussels I Regulation) take place?

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The European Commission is expected to present a proposal during 2013. The necessary amendments can then be adopted and enter into force before the target date of the entering into force of the UPC in early 2015.

What preparations are still needed before the UPC can start operations?

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There is a substantial amount of work ahead, see Council Document 7265/13 of 8.3.2013. For example operational rules as well as the infrastructure and the budget of the Court need to be developed. Then of course judges will have to be appointed and some of them go through the necessary training.

The Preparatory Committee has divided the tasks into five areas: legal, financial, human resources, IT and infrastructure. Each area has been assigned to a working group with the responsibility to develop proposals. The details and the target dates are established in the roadmap of the Preparatory Committee which will be published on the official website of the Committee. One of the first measures of the Preparatory Committee is to launch the public consultation of the draft Rules of Procedure of the UPC.

When will the Rules of Procedure of the UPC be available?

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a. When will there be a public consultation on a draft set of Rules of Procedure?

A detailed draft set of Rules of Procedure has been developed by a group of experts consisting of judges and lawyers. The Preparatory Committee organises a broad consultation with stakeholders on the draft Rules of Procedure. The consultation will run at least three months.

b. What will happen after the consultation?

The outcome of the consultation will be evaluated by the expert group and then by the Preparatory Committee. The Commission will be requested to give its opinion on the compatibility with Union Law. Thereafter the Rules of Procedure will be adopted by the Administrative Committee of the UPC.

The Administrative Committee will be composed of one representative of each Member State and will adopt its decisions by a majority of three quarters.