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Secretariat EPLIT <mail@eplit.eu>
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 ministerbuero@bmwi.bund.de; Poststelle (BMJV); Maas, Heiko (Minister) 'Bijvank, Koen'
 EPLIT - The ratification of the Unified Patent Court Agreement
 Letter EPLIT to Mr Gabriel and Mr Maas_29 11 2016.pdf

Dear Mr. Gabriel, Dear Mr Maas,

Please find attached a letter for your attention, sent on behalf of EPLIT, the European Patent Litigators Association

Kind regards,
 On behalf of EPLIT

Koen Bijvank
 president

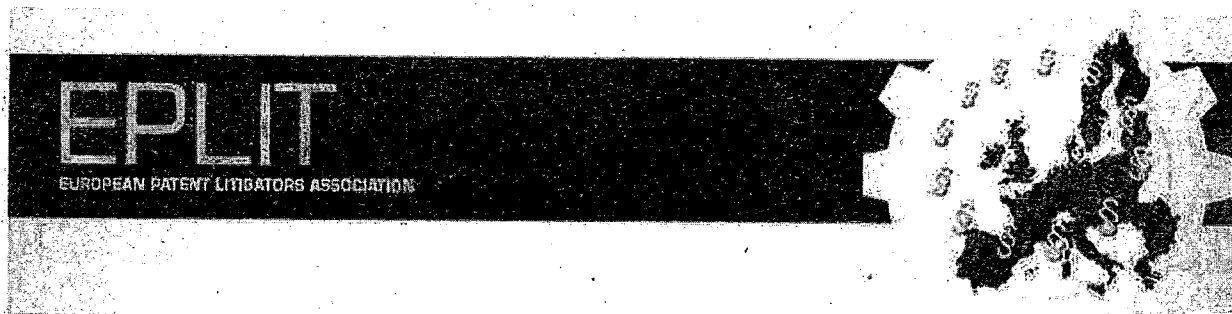
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TIB4

GG	AE	BER	v. Abg.	Abt.			
Bundesministerium der Justiz und für Verbraucherschutz							
Eingang: 29. Nov. 2016							
Ministerbüro							
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*EPLIT – c/o Multiburo Paris Chatelet 52,
Boulevard Sébastopol, F- 75 003 Paris*

Mr Sigmar GABRIEL,
Federal Minister for Economic Affairs and Energy,
Vice Chancellor,
Scharnhorststrasse 34-37, D-10115 Berlin

Mr Heiko MAAS,
Federal Minister of Justice and Consumer Protection,
Bundesministerium der Justiz und für Verbraucherschutz,
Mohrenstr. 37, D-10117 Berlin

29 November 2016

Re: The ratification of the Unified Patent Court Agreement

Dear Mr. Gabriel, dear Mr. Maas,

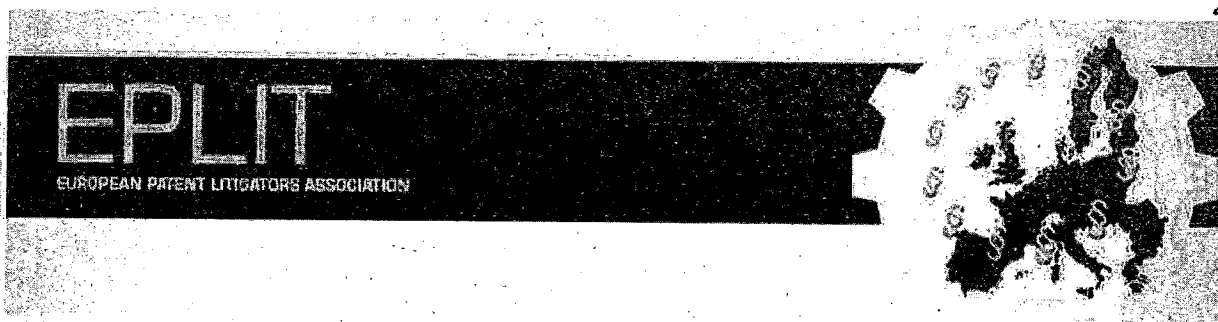
Summary

EPLIT is highly pleased to learn that the UK Government has announced that it will proceed with the preparations to ratify the Unified Patent Court (UPC) Agreement. Currently, eleven countries have ratified the UPCA and the work required in preparation for the UPC to become fully operational has largely been completed. Once the UK and Germany have ratified the Agreement, the UPC can open its doors. With this letter, EPLIT wishes to urge the governments of the UK and Germany to take the necessary steps to ratify the UPCA quickly so that the UPC can become operational in 2017.

EPLIT

EPLIT was founded in 2013 in view of the fact that the UPC Agreement provides for representation of parties by European Patent Attorneys having an appropriate qualification in patent litigation. It is one of the main objectives of our association to promote the participation of European Patent Attorneys in proceedings before the UPC. Most of EPLIT's members are European Patent Attorneys. However, other practitioners who are qualified to participate in proceedings before the UPC pursuant to Article 48(1) or (4) can join as associate members. A significant number of our association's members are practitioners, both European Patent Attorneys and solicitors, from the UK.

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The UPC

Until the results of the UK referendum on membership of the EU were announced on 24th June 2016, it was generally held that the patent system in Europe was about to adopt its most profound change since the advent of the European Patent Convention (another multinational agreement not involving the EU) in 1973. After long negotiations, the creation of the UPC was about to turn into reality. We were within a whisker of seeing the required number of ratifications by member states and the Preparatory Committee had nearly finalized its work. The prognosis was that the UPC could enter into force in the course of 2017.

The result of the UK referendum has made the future of the UPC uncertain. Article 89 of the UPC Agreement requires that, for the UPC to come into force, the UK and Germany, as two of the three countries where the highest number of European patents are in effect, ratifies the UPC Agreement.

Now that the UK Government has announced its decision to continue with the preparations for ratification over the coming months, the advent of this breakthrough in the way patents are litigated in Europe has again become a reality.

EPLIT is of the view that the creation of the UPC is in the interests of inventors and businesses throughout Europe. Being able to enforce a patent covering a large number of countries before a single court reduces the costs of doing business and increases certainty for both claimants and defendants. It is in the interest of all stakeholders, including the patent profession, for the system to go ahead. For these reasons, EPLIT would like to urge the government of the UK and Germany to take the necessary steps to ratify the UPC Agreement as soon as possible.

If you have any questions, please do not hesitate to contact us.

Sincerely yours,



on behalf of EPLIT
Koen Bijvank, President

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Boulevard Sébastopol, F-75 003 Paris – www.eplit.eu – info@eplit.eu***