



Presidium of the Unified Patent Court

Decision on the provisional distribution of actions related to patents in IPC sections (A) and (C) pending before the central division

8 May 2023

**Decision of the Presidium
8 May 2023**

THE PRESIDUM OF THE UNIFIED PATENT COURT

HAVING REGARD to the Agreement on a Unified Patent Court (UPCA) in particular Articles 7(2) and 87, and Annex II thereof;

HAVING REGARD to the Statute of the Unified Patent Court (UPCS) in particular Article 15(3) thereof;

and

TAKING INTO CONSIDERATION that, as from 31 January 2020, the United Kingdom is no longer a Member State of the European Union (Notice concerning the entry into force of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, OJ 2021 L29, p. 189);

TAKING INTO CONSIDERATION that the United Kingdom withdrew its ratification from the Agreement on a Unified Patent Court on 20 July 2020 (<https://questions-statements.parliament.uk/written-statements/detail/2020-07-20/HCWS395>);

TAKING INTO CONSIDERATION that the Preparatory Committee of the Unified Patent Court in a meeting on 10 September 2020 interpreted Article 7(2) UPCA to the effect:

- that the allocation of cases to a section of the Central Division of the Court of First Instance in London has no effect, and that there is no need to proceed at this stage with a modification of the wording of Article 7(2) UPCA, and
- that the competence for cases concerning IPC patent sections (A) and (C) can be dealt with provisionally until a decision is taken on the creation of another section of the central division by the remaining parts of the central division;

TAKING INTO CONSIDERATION that, after the ratification by Germany on 17 February 2023, the Agreement on a Unified Patent Court will enter into force on 1 June 2023 pursuant to Art. 89(1) UPCA;

TAKING INTO CONSIDERATION that the Administrative Committee of the Unified Patent Court did not take a final decision on the establishment of a further section of the Central Division;

TAKING INTO CONSIDERATION that there is a need to provisionally determine the distribution of actions related to patents in IPC sections (A) and (C) pending before the Central Division as from the entry into force of the Agreement on a Unified Patent Court on 1 June 2023 and this until a final decision is made by the Contracting Member States;

TAKING INTO CONSIDERATION that the Presidium is responsible for the management of the Court, not limited to the subject matters explicitly mentioned under Article 15(3) UPCA;

HAS ADOPTED THE FOLLOWING DECISION:

Article 1

Actions pending before the central division related to patents in IPC section (A) shall be assigned to the seat in Paris.

Article 2

Actions pending before the central division related to patents in IPC section (C) shall be assigned to the section in Munich.

Article 3

This decision shall enter into force on 1 June 2023.

Done on 8 May 2023

For the Presidium

Klaus Grabinski
The Chairman