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Dear Mr Gyimah

### **UK ratification of the Unified Patent Court Agreement**

The IP Federation represents the IP interests of a significant number of companies having research and development facilities in the United Kingdom. You will be aware that on 28 November 2016 one of your predecessors announced that the UK was preparing to ratify the Unified Patent Court Agreement (UPCA). We therefore welcome the entry into force of Privileges and Immunities Order, which was the last legislative step needed to enable the UK to ratify the UPCA.

Our members are looking forward to the benefits of having a single patent court and single patent right covering most of Europe and the UK, both in the near future and after Brexit. The system will greatly reduce the cost for UK companies who wish to obtain a patent covering most of Europe, and it will dramatically simplify enforcing rights in a consistent and fair manner across the major European economies.

We particularly welcome having the chemical/life sciences branch of the Unified Patent Court (UPC) in London. This will be a significant forum for litigation, and we expect that this branch and the whole UPC system will benefit from the contributions of UK lawyers, judges and patent holders.

**We are keen that the UK should ratify the Unified Patent Court Agreement as soon as possible, and before the EU Summit of 23 March.** This will enable negotiations to commence rapidly to secure the legal basis on which the UK can stay in the UPC, and if possible in the Unitary Patent (UP) also, after Brexit for the long term. This would include retaining the chemical/life sciences court in London. In these negotiations the Government should ensure transitional provisions are in place to enable the UK to leave the UPC and UP on Brexit if attempts to keep the UK in are unsuccessful. These provisions should include addressing the position of litigants in ongoing proceedings at the UPC and rights accrued in UPs. Early certainty in the negotiations is important to UK industry.

We assume you will be working closely with the UK IPO to ensure the FCO is provided with all the material they need so that the Foreign Secretary can sign the instrument of ratification next month.

I realise we have a meeting arranged on 29 March, but I would be more than happy to meet with you to discuss the views of UK industry towards the UPC and UP in more detail so that ratification can occur before then if you would find that helpful.

Yours sincerely

James Horgan  
President, IP Federation

c.c.: Tim Moss (IPO)



## **IP Federation members 2018**

The IP Federation represents the views of UK industry in both IPR policy and practice matters within the EU, the UK and internationally. Its membership comprises the innovative and influential companies listed below. The CBI, although not a member, is represented on the Federation Council, and the Council is supported by a number of leading law firms which attend its meetings as observers. It is listed on the joint Transparency Register of the European Parliament and the Commission with identity No. 83549331760-12.

AGCO Ltd  
Airbus  
Arm Ltd  
AstraZeneca plc  
Babcock International Ltd  
BAE Systems plc  
BP p.l.c.  
British Telecommunications plc  
British-American Tobacco Co Ltd  
BTG plc  
Caterpillar U.K. Ltd  
Cummins Ltd.  
Dyson Technology Ltd  
Eli Lilly & Co Ltd  
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Ford of Europe  
GE Healthcare  
GKN plc  
GlaxoSmithKline plc  
HP Inc UK Limited  
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Johnson Matthey PLC  
Merck Sharp & Dohme Ltd  
Microsoft Limited  
Nokia Technologies (UK) Limited  
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