

**Translation**

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To the  
Federal Ministry of Justice and Consumer Protection  
Attn Ministerialrat Johannes Karcher  
Mohrenstraße 37  
10117 Berlin  
Bundesrepublik Deutschland

**Draft Bill on the Convention of 19 February 2013 on a Unified Patent Court**

Dear Mr Karcher,

We would like to comment on the Draft Bill on the Convention of 19 February 2013 on a Unified Patent Court as follows:

The European Patent Lawyers Association (EPLAW) is a Europe-wide association of lawyers experienced in national and international patent litigation, based in Belgium.

Since its establishment in 2001, EPLAW has supported efforts to establish a European patent jurisdiction for European patents granted by the European Patent Office. EPLAW has welcomed the conclusion of the Agreement of 19 February 2013 on a Unified Patent Court (UPCA), based on which a Unified Patent Court with first instance divisions in its contracting member states and a court of appeal in Luxembourg, with jurisdiction to hear disputes concerning the infringement and validity of European patents in a single procedure, shall be established. Through its members, EPLAW has played a major role in ensuring that the rules of procedure are designed in a practice-oriented manner.

EPLAW welcomes the presentation of the draft bill on the Agreement of 19 February 2013 on a Unified Patent Court a few months after the decision 2 BvR 739/17 of the Federal Constitutional Court of 20 March 2020, which declared the ratifying law on the Agreement passed by the Bundestag on 10 March 2017 null and void because it had not been passed with the required two-thirds majority.

EPLAW agrees with the draft bill and would welcome rapid legislation in Germany to allow provisional application of the UPCA on the basis of the Protocol.

On behalf of EPLAW I thank you for giving us the opportunity to comment.

Yours sincerely,

Thierry Calame

President, EPLAW

Association européenne d'avocats spécialisés dans le contentieux des brevets d'invention  
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Association sans but lucratif (Loi du 27 juin 1921)