



Client Information | February 2017

## **BREXIT – AND THE UNITARY PATENT?**

**TIM HÜLSHEGER WAS ADMITTED TO THE PARTNERSHIP  
AT THE BEGINNING OF THE YEAR**

Jochen Sties

### **Brexit – and the Unitary Patent?**

History does repeat itself: those who have followed the project of unitary patent protection for Europe since the end of the 1970s have become used to a constant succession of progression and regression. Nothing has changed about this.

Following the decision of the British to leave the EU, the majority of observers were certain that the Unitary Patent has no future, at least in Great Britain. There were even some voices prophesying the end of the whole project.

All the more surprising was the news in November 2016 that the government of the United Kingdom intended to ratify the Agreement on the Unitary Patent. The statement was that the United Kingdom wanted to take on an active role within the EU as long as it was a member of the EU, and that this included the ratification of the Agreement relating to the Unitary Patent, which the domestic industries consider to be advantageous.

Theresa May, on the other hand, made it clear in her speech on Brexit in January 2017 that one of the objectives of Brexit was to regain control of the country's own laws: the laws would be made in Great Britain, and the laws would be construed by British judges, rather than by judges in Luxembourg.

This statement is diametrically opposed to the consequences of a ratification of the Agreement on the Unitary Patent: the regulations that would then be valid were not made in Great Britain, and the jurisdiction of the ECJ would be effective for Great Britain as well.

It remains to be seen how the government of the United Kingdom wishes to resolve this contradiction. At present, there seems to be no secure basis for predictions.

It does sound like a bit of British humour when the question arises about who would have to sign the instrument of ratification in case that Great Britain quickly wishes to join the Unitary Patent System before leaving the EU: Boris Johnson, the face of the Brexit campaign.



### QUESTIONS?

If you have any questions regarding this topic, please feel free to get in touch with your personal contact or Jochen Sties at (j.sties@prinz.eu).

### Tim Hülshager admitted to the partnership

Effective 1 January 2017, Prinz & Partner admitted Tim Hülshager as a partner from its own ranks. He is a patent attorney and European Patent and Trademark Attorney. Tim studied physics at the Technical University of Munich and joined Prinz & Partner in 2008.

His professional activities include carrying out prior art searches in the fields of physics, mechanical and electrical engineering; also the preparation of patent and utility model applications and assisting in patent grant proceedings and opposition proceedings.



### CONTACT DETAILS

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