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Possible Impact of the Unitary Patent Regulation and the Unified Patent Court Agreement on Poland 545
After the rejection of both Spanish actions C-146/13 and C-147/13 by the ECJ on May 5, 2015, the focus is now on Italy (for joining the Enhanced Cooperation on the EPUE) and on Poland (for ratifying the UPCA). A Deloitte Opinion had turned Poland from an ardent supporter to someone sitting on the fence. However, that Opinion is far from convincing, and will be discussed in this piece. Moreover, according to A.G. Bot's Opinion in the Spanish cases, Poland is obliged under Union law to ratify the UPCA, since that is a pre-condition for the EPUE Regulation entering into force in Poland.

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