

# Unified Patent Court and Unitary Patent

The essential guide

The **Unified Patent Court** (UPC) and the **Unitary Patent**, both to become operative on 1 June 2023, are to bring a wide range of new opportunities and challenges in the medium/long term concerning the protection and enforcement of patent rights in Europe.

It is the biggest change in the European patent system since its establishment in 1973.

How do the Unitary Patent and Unified Patent Court work?

Which opportunities and challenges will they bring?

And most importantly, which are the choices that holders of patent rights in Europe must make immediately?

The introduction of the Unified Patent Court and Unitary patent, both to go live on 1 June 2023, is the biggest change in the European patent system since its establishment in 1973.

## **What is the Unified Patent Court?**

The **Unified Patent Court** is a new international court with jurisdiction on Unitary patents and European patents.

In particular, the following actions may be brought before the Unified Patent Court:

- ✓ actions for actual or threatened infringement
- ✓ counterclaims for revocation
- ✓ actions for revocation
- ✓ actions for damages
- ✓ actions for provisional and protective measures and injunctions.



## What is the Unitary patent?

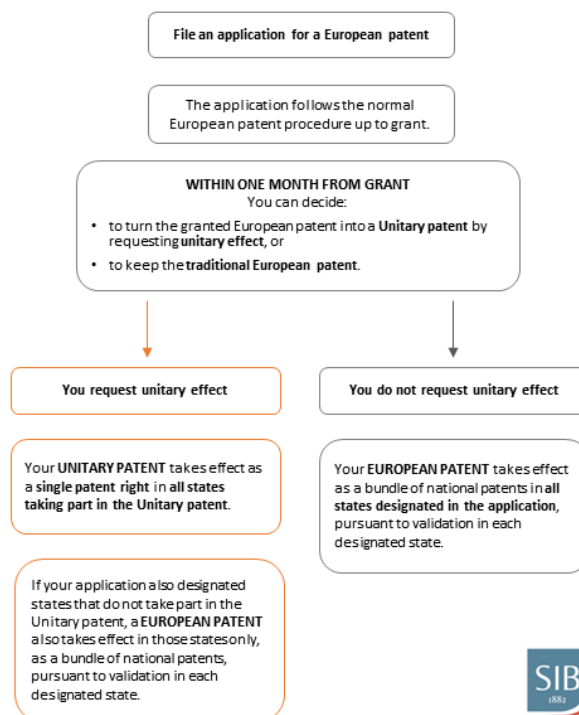
The Unitary patent is a new patent right with joint validity in a block of 17 European Union member states, a number of states that will eventually reach 24.

The Unitary patent is granted by the European Patent Office and follows the same procedure to obtain a European patent until grant.

After grant, the patentee has one month to request “unitary effect”, which will make the granted patent a Unitary patent.

It is important to be aware that upon inauguration of the new system, granted European patents will automatically fall under the jurisdiction of the Unified Patent Court (where available)- unless patent owners take action to “opt out” of the court’s jurisdiction.

### How to get a Unitary patent



## How many states are covered by the UPC and Unitary Patent?



This map shows all European Patent member states.

The Unified Patent Court and Unitary patent will go live with the 17 states actually on board (marked in red on the map): Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovenia and Sweden.

7 more states (Cyprus, Czech Republic, Greece, Hungary, Ireland, Romania and Slovakia) are to join as they complete the necessary legislative steps.

The Unitary patent does not replace the European patent as we know it, but coexists with the European patent and with national patents in individual European states.

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## Title search: Implications of Unitary Patents and the Unified Patent Court

Also available as part of the eCourse

[2023 Advanced Patent Law \(USPTO\) eConference](#)

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18<sup>th</sup> Annual Advanced Patent Law Institute session

"Implications of Unitary Patents and the Unified Patent Court"