

# One Patent – One Court

The new European Patent package





# One Unitary Patent

**THE EUROPEAN PATENT PACKAGE** consists of two EU Regulations and an international agreement for creating a Unitary Patent protection and a Unified Patent Court System in Europe. 26 EU member states<sup>1</sup> are participating in this “enhanced cooperation”.

## Quick Facts – Unitary Patent

- A new simplified choice for a granted European Patent
- Entry into force when the Unified Patent Court enters into force
- EPO pre-grant prosecution
- Patent litigation in the Unified Patent Court
- No national validations
- Present validation system remains as an alternative
- One annuity covering all member states<sup>2</sup>
- One full translation into another EU member state language<sup>3</sup>
- Increased number of prior rights – Any national prior right in a member state becomes prior art for novelty

## Unitary Effect

- Same rights in all member states
- Same scope (claims) in all member states
- Same owner in all member states
  - National licensing allowed
- Revocation applies to all member states

<sup>1</sup> Spain and Croatia are presently outside the enhanced cooperation

<sup>2</sup> Top 4 model adopted (average of top 4 countries)

<sup>3</sup> English mandatory



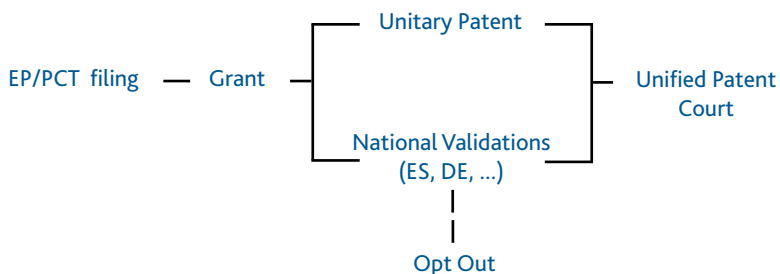
# One Unified Patent Court

A UNIFIED PATENT COURT SYSTEM will be established according to an international agreement signed by 25 EU states.

While waiting for the new system several of AWA's European patent attorneys have already completed or are in the process of completing the education allowing us to hold a UPC litigation certificate.

## Quick Facts – Unified Patent Court

- One court decision covering all member states<sup>4</sup>
- Exclusive competence for Unitary Patents, Classic European Patents (Validations) and Supplementary Protection Certificates (SPCs)
- Competent to decide on Infringement, Validity, Declarations on non-Infringements, Protective Measures & Preliminary Injunctions
- Opt-out: A back door for owners of classic European Patents and SPCs. No official fees for opting out
- Quick procedure: Defendant has 3 months only to present a complete case



<sup>4</sup> Spain, Croatia and Poland have not signed the Unified Patent Court agreement.

## Want more information? Email us:

UP@awa.com for questions  
relating to the Unitary Patent

UPC@awa.com for questions  
relating to the Unified Patent Court



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