The Unified Patent Court: an opportunity to enforce patents all across the EU

**Now...**

- A European (EP) patent can only be enforced or revoked before national courts.
- A decision of a national court only covers the part of the EP patent that concerns the relevant Member State.
- To enforce an EP patent in Europe, multiple national proceedings must be started.
- Only an opposition before the EPO can cover all parts of the EP patent at the same time, but the availability of these proceedings are time-limited (within nine months from the grant) and only concerns validity.

Going forward...

- **UP** will be subject to the exclusive jurisdiction of the UPC from the start date. At the start, a transitional period (seven years) gives classic EP patent owners the option to choose between national courts and the UPC.
- During the transitional period, the UPC and national courts will have concurrent jurisdiction over "classic" EP patents, unless they have been opted out of the UPC.
- At the end of the transitional period, all EP patents (whether with a unitary effect or not) will fall within the exclusive jurisdiction of the UPC.
- An opposition before the EPO is still available.

**Main features**

- Centralising European patent disputes
  - Cross-border injunctions and damages covering up to 24 countries in single court proceedings.
  - Central revocation covering up to 24 countries.

- **Speed**
  - The UPC intends to be faster than most national courts (target: decision within 12 months).

- **Cost-efficiency**
  - One court fee.
  - Only one set of legal costs.

- **Predictability**
  - UPC judges experienced nationally and with specialist training.
  - The UPC system has not been tested yet.

Enforcement before the national courts:

- **During transitional period**: if opted out.
- **During transitional period**: if not opted out.
- At the end of transitional period: exclusive jurisdiction.

Enforcement before the UPC:

- National patents.
- Unitary patents.

Want to know more?

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