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

A single court system
- **Patentees:** can seek central injunction (including PI)
- **Competitors:** can seek central revocation
- **Effect:** in 24 countries (17 at the start date)
- **Costs:** Court fees, then only one set of legal costs
- **Judges:** Specialist judges (legally and technically)

“Superfast” proceedings
- **Timing:** decision expected within 12 months (initial target)
- **Principle:** written procedure and one-day hearing
- **Strictly supervised:** two briefs by party within a short timeframe
- **Front-loaded:** requests, evidence and arguments to be filed in the first brief (if not, they can be disregarded)
- **Flexible:** possibility to file auxiliary requests

**UPC structure**

*Courts of Appeal*
- Ljubljana & Lisbon
- Luxembourg

*Registry*
- Only on EU law issues

*Court of First Instance*
- Central division
- Local divisions
- Regional divisions

*Patent Mediation and Arbitration Center*
- Nordic-Baltic states: Stockholm

**Court of First Instance**
- Central division
- Paris seat: Electrical engineering
- Munich branch: Mechanical engineering
- Other branch: Chemistry & biology

- local/regional divisions
- France: Paris
- Germany: Munich, Mannheim, Dusseldorf, Hamburg
- Netherlands: The Hague, ...”

Actions available before the UPC
- Action for infringement (or threat)
- Declaration of non-infringement
- Action for injunction and provisional/protective measures
- Action for revocation, and counterclaim for revocation

Concurrent jurisdiction of the UPC and national courts
- The UPC will have exclusive jurisdiction over UP and classic EP patent only after the transitional period
- During the transitional period, actions based on a classic EP patent can be brought either before the UPC or before national courts, but an action brought before a national court could lock the classic EP patent outside the UPC (and vice versa)
- During the transitional period, the patentee can lock the classic EP patent outside the UPC by opting out

Jurisdiction inside the UPC
- Rules to determine which branch of the central division and the national/regional divisions will have jurisdiction

Want to know more?
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**Key:**
- EP: European
- PI: Preliminary Injunction
- UP: Unitary Patent
- UPC: Unified Patent Court