The Unified Patent Court (UPC)

The Unified **Patent Court:**

an opportunity to enforce patents all across the FU

A single court system

- Patentees: can seek central injunction (including PI).
- Competitors: can seek central revocation.
- Effect: in 24 countries (currently 17).
- 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.

Court of First Instance

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

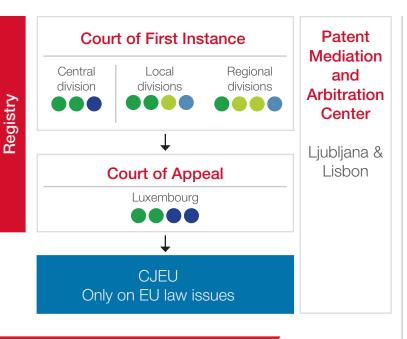
• Rules to determine which branch of the central division and the national/regional divisions will have jurisdiction.

Want to know more?



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UPC structure



local/regional divisions Central division Paris seat: France: **Nordic-Baltic** Electrical Paris states: engineering Stockholm Germany: Munich branch: Munich Mechanical Mannheim Dusseldorf engineering Hamburg Other branch: Chemistry **Netherlands:** & biology The Hague

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Legally qualified judge

Local legally qualified judge

Technically qualified judge

Optional technically qualified judge