

The Unitary Patent: an opportunity to broaden coverage while saving on costs

Now...

- The European (EP) patent is centrally granted by the EPO
- Before grant, it covers 39 countries
- After grant, the EP patent splits into a bundle of national patents, with “**classic**” validation (**three months from grant**) and a “**unitary effect**” (**one month from grant**)



Going forward...

- The EP patent remains centrally granted by the EPO
- Before grant, it covers 39 countries
- After grant, for the 24 UP/UPC countries, the patentee can choose between a “classic” validation (three months from grant) and “unitary effect” (one month from grant)
- If the patentee chooses the “unitary effect”, it will have protection in the 24 UP/UPC countries with only one validation process and one set of annuities
- For the 15 other countries, only a “classic” validation remains available

National patents

Granted by national PTOs country by country

European patents

Centrally granted by the EPO
39 countries

Classic validation

Validation in countries selected by patentees

Annuities for each relevant country

Unitary effect

Unitary effect in 24 countries

Only one validation process and one set of annuities for these countries

Exclusive jurisdiction of the UPC

Main features

Broadening geographical coverage

- Opportunity to cover 24 countries with one single title

Saving validation costs

- Opportunity to have one validation process and one set of annuities for 24 countries

Exclusive jurisdiction of the UPC

- No option to enforce the UP before national courts
- One single procedure for the entire UPC zone
- One single decision on validity

The unitary effect will not cover all the 39 EPO countries

- Limited to 24 of the 39 countries – the 15 other countries require “classic” validation
- At the start, limited to the 17 countries which have signed and ratified the UPCA

Want to know more?



Marianne Schaffner
Partner, Paris
French Attorney-at-law
Head of European Patent Litigation
+33 (0)6 09 98 20 67
mschaffner@reedsmitth.com



Thierry Lautier
Partner, Paris
French Attorney-at-law
European Patent Attorney
+33 (0)6 17 03 88 32
tlautier@reedsmitth.com