The Unitary Patent (UP)

The Unitary Patent and the Unified Patent Court: what companies need to know

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

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?

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