



Europäisches
Patentamt
European
Patent Office
Office européen
des brevets

An introduction to the Unitary Patent



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What is the Unitary Patent

- The Unitary Patent
 - is based on a European patent granted by the EPO under the EPC's rules and procedures to which, upon request of the patentee, unitary effect can be given post-grant for the territory of 26 Member States participating in the Unitary Patent scheme;
 - is not an EU intellectual property title (unlike the EU trade mark or the registered Community design);
 - will co-exist with national patents and with classical European patents and patent holders will be able to choose between various combinations of a Unitary Patent, "classical" European patents, and national patents.

When will it be available (1)

- The new system is expected to start early 2018.
 - The Unitary Patent Regulations are now in force for 26 EU Member States.
 - The Unitary Patent Regulations apply from the date of the entry into force of the UPC Agreement.
 - UPCA will enter into force on the first day of the fourth month after the deposit of the 13th instrument of ratification or accession, including the three States in which the highest number of European patents had effect in the year preceding the signature of the Agreement (DE, FR, and UK).

When will it be available (2)

- So far, 12 EU Member States have deposited their instruments of ratification incl. FR, with several others having indicated their intention to ratify anytime soon.
- The UK and DE are currently undertaking the national legislative steps to ratify the UPCA.

What are the key benefits (1)

- Unitary Patents offer an attractive additional option for patent protection in Europe providing better value for money:
 - **Broader territorial protection** → Uniform protection for up to 26 participating Member States.
 - **Reduction of red tape** → One-stop-shop at the EPO instead of national validations and translation requirements and fee payments with several national patent offices, resulting in a major reduction of complexity and transaction costs:
 - Centralised process for filing, examining and granting patents in exactly the same way as for classical European patents;

What are the key benefits (2)

- Simple and straight forward post grant procedure instead of complex national validations;
- Simplified and cost-effective renewal fee payment;
- Centralised register maintained by the EPO;
- Centralised administration of post-grant transactions by the EPO.

What are the key benefits (cont'd) (1)

- **Cost efficiency:**
 - Filing of the request for the registration of Unitary Patents, examination, and registration is completely free of charge before the EPO.
 - Business-friendly renewal fee pattern. A Unitary Patent will on average be less expensive than a classical European patent validated and maintained in four countries when comparing fees and all associated costs.
 - No post-grant translations are required for the purpose of obtaining a Unitary Patent (after an initial 6-year transitional period during which only one translation will be required for information purpose only having no legal effect).

What are the key benefits (cont'd) (2)

- **Additional advantages for SMEs and universities** → Compensation scheme for natural persons, SME's and other entities domiciled in an EU Member State with regard to translation related costs.
- **Better access to the internal market** → Broad territorial protection in up to 26 participating Member States will enable companies to enter more national markets depending on the initial success of the patented product or on business opportunities in other Member States.

What are the key benefits (cont'd) (3)

- **Fostering technology transfers** → A future central register for licensing and transfers of Unitary Patents will contribute to an efficient market for technology transfers which are likely to foster investments in innovation in the participating Member States.
- **Enhanced access to funding and IP services** → Broader market protection will increase chances to attract venture capital for start-ups. Enhanced integration of the patent system will also facilitate technology transfers and R&D cooperation with a wide variety of potential partners and intermediaries across the European single market.

What are the key benefits (cont'd) (4)

- **Enhanced protection at the EU's external borders** → Protection in up to 26 participating Member States will enable patent proprietors to rely in an efficient manner on the EU Customs Border Regulation (No 608/2013) to prevent infringing goods and products from third countries from entering the European single market.
- **Increased legal certainty and reduction of litigation costs** → Centralised enforcement through the new Unified Patent Court (UPC) in the states where the UPC Agreement entered into force, thereby reducing costs and complexity resulting from the risk of multiple litigation in different jurisdictions.

Thank you for your attention!

More information about the Unitary Patent can be found on the EPO's website at:

<http://www.epo.org/law-practice/unitary/unitary-patent.html>

For questions please contact:

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