

Unitary Patents: What You Should Do Now

What's New?

The patent system in Europe will soon add two new elements, the **Unitary Patent (UP)** and the new **Unified Patent Court (UPC)**, with the aim of making the process of obtaining and enforcing Europe-wide patent protection simpler and more cost-effective.

It is important to note that the **UP and UPC will not affect the procedure of obtaining a European patent at all until after grant (i.e. at the validation stage). Applications should still be filed as European applications, e.g., by entering the EP Regional Phase from a PCT application / directly filing at the European Patent Office (EPO).**

The Unitary Patent (UP)

The UP is an alternative way of validating a patent granted by the EPO **to cover at least 16 European countries with one 'unified' patent**, rather than validating many individual patents each covering a single country. Once the provisions come into effect, applicants will be able to choose a UP at grant of their European patent application, along with other validation states that are currently not covered by the UP.



The Unified Patent Court (UPC)

The UPC is a new court which will have jurisdiction for **all infringement and validity actions for UPs**. For now, **applicants can choose** if the UPC has jurisdiction over their 'classic' national validations of EPs in UPC countries.



Why Choose The UP?

Pros of UP	Cons of UP
✓ Costs lower than validating in every UPC country	× Costs higher than validating in just a few countries
✓ Coverage across all UPC countries with a single annual renewal fee	× Cannot opt-out of UPC jurisdiction, so single invalidity action applies to all UPC countries
✓ UPC has jurisdiction, so a single infringement action covers all UPC countries	× Translation into, e.g. French or German must be filed.

What Should You Do Now?

- 1) **Think about whether you want to request UPs in future for all or some of your European Patents.** Ask us for our flow chart guide if you need help deciding.
- 2) **If you want to request UPs, speak to your European Attorney** about ways in which you can delay your pending European Patent applications so that they grant after UPs become available.
- 3) **Think about whether you want to opt out of the UPC for national validations in UPC countries (current and future).** Ask us for our flow chart guide if you need help deciding.

Contact Us

We can help you choose the **right European patent strategy for your business**. To arrange a consultation, please contact **Louise Carr**.



Louise Carr
UK & European Patent Attorney

E: louise@cameronintellectualproperty.com
T: +44 (0)208 390 3775