

# The New Unitary Patent and Unified Patent Court

## What's New

The European Patent with Unitary Effect (“Unitary Patent” or “UP”) and the Unified Patent Court (“UPC”) are on track to enter into force and become operational on June 1, 2023.

This is the most significant change in European patent law since the creation of the European Patent Office in 1977.

The Unitary Patent is a new type of patent to add to the existing European bundle patents and national patents.

The UPC is a new court with an international jurisdiction, set up by a number of EU Member States, adding to the existing national courts for patent litigation.



The Unitary Patent can reduce patent costs and make it easier to obtain protection within the European Union—with just a single translation and a moderate renewal fee. Initially, the Unitary Patent will provide protection in 17 EU Member States, which will subsequently extend to 24 Member States.

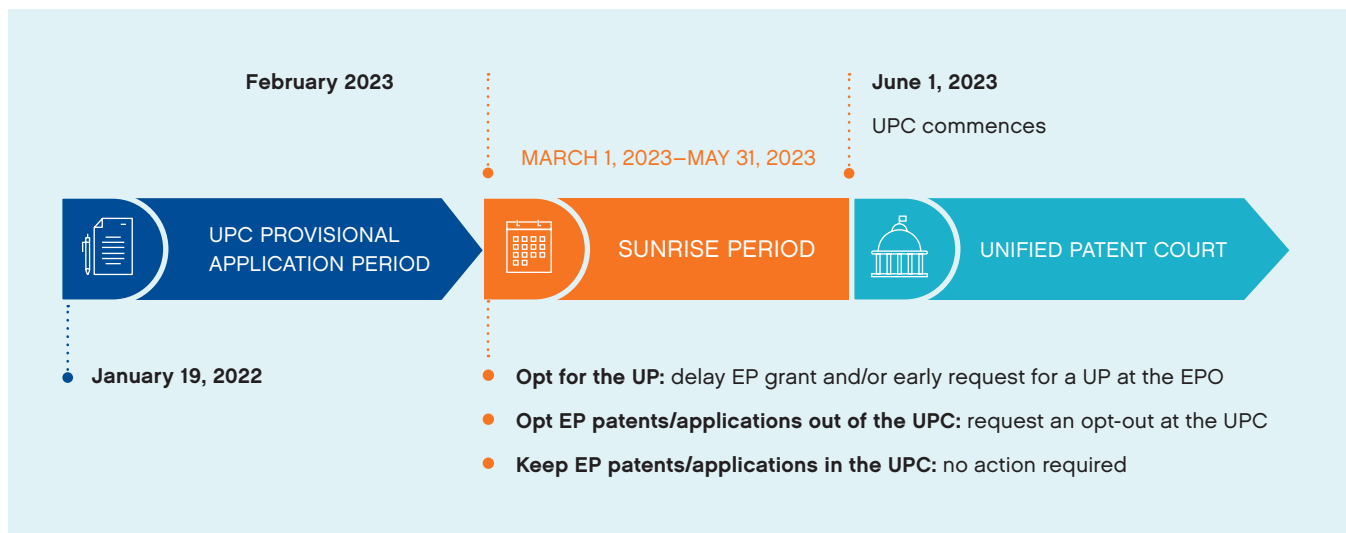
The UPC will make it possible to enforce European bundle patents and UPs through injunctions and claims for damages, and to clear the way through patent revocation and declarations of noninfringement, in all UPC Member States with a single proceeding.

## Why Your Company Needs to Be Prepared for the New System

Owners of granted European bundle patents must make decisions, preferably before the three-month “sunrise” period preceding the start of the new system, whether to exclude these patents from the jurisdiction of the UPC (so-called opting-out). Applicants will have an option to go for a Unitary Patent, continue with European bundle patents, or revert to separate national filings.

These decisions will need to take into account multiple strategic factors. And they need to be made as soon as possible.

## Sunrise Period



## Jones Day Is Here to Help You Get Up to Speed and Ahead of Competitors

Jones Day's Intellectual Property Practice is built for the new court system. Our IP team of patent attorneys and litigators is located in the key UPC venues and equipped with exceptional experience in litigating cases in those venues and strategically addressing cross-border issues.

Jones Day has the international presence and network required to serve our clients in multinational disputes extending beyond the boundaries of the UP and including the United Kingdom and Spain, which remain outside the UPC system.

We can assist you in strategic assessment of patent prosecution-related aspects, including opt-out/opt-in decisions, as well as litigation, regardless of your position as a plaintiff or defendant.

## LAWYER CONTACTS

To get started, reach out to your usual contact within Jones Day or to any member of our dedicated UPC Task Force:



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