

# THE UNITARY PATENT: BENEFITS AND PROCEDURE

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## WHAT IS THE UNITARY PATENT SYSTEM?

### UNITARY PATENT

- Two EU Regulations
  - one creating the Unitary Patent and
  - one relating to the translation arrangements



### UNIFIED PATENT COURT

- Agreement on a Unified Patent Court – an international agreement setting up the Court

**The Unitary Patent system entered into operation on 1 June 2023**

## BASIC CONCEPT – A SIMPLE ONE-STEP PROCEDURE AFTER GRANT



Unitary Patent is not an autonomous EU right, but based on a European patent, granted by the EPO under the EPC



Same application and examination procedure



High-quality product and service



Co-exists with national patents and classic EP



Upon request of the patent owner, unitary effect is registered for the participating Member States



Registered in one single step at the EPO with no need for multiple parallel national validations



Uniform protection in up to 25 Member States



EPO acts as one-stop shop for all subsequent transactions

## COST EFFICIENCY

- No fees are charged by the EPO for the purpose of obtaining a Unitary Patent.
- Maintaining a Unitary Patent for ten years amounts to less than EUR 5 000.
- UP is less expensive than a EP validated and maintained in 4 of the 25 participating Member States. But various elements are to be considered when comparing the costs (which states to validate, expected lifetime of the patent, etc.)

### Classic European patent

Fragmented post-grant administration  
procedure at national level

National patent offices  
*with their own:*



- Translation requirements
- National validation fees
- Procedures, particularly deadlines
- Renewal fees
- Currencies
- Requiring own local attorney



### Unitary Patent

One-stop-shop at the EPO  
for all post-grant administration

One office



- No more translations<sup>1</sup>
- No additional fee for obtaining a Unitary Patent
- One procedure, particularly deadline
- One renewal fee
- One currency (€)

<sup>1</sup> after an initial transition period when translations will be required, but for information purposes only with no legal effect.

## REQUIREMENTS FOR THE REGISTRATION OF UNITARY EFFECT

### Substantive requirements

Unitary effect can be requested for European patents that were granted

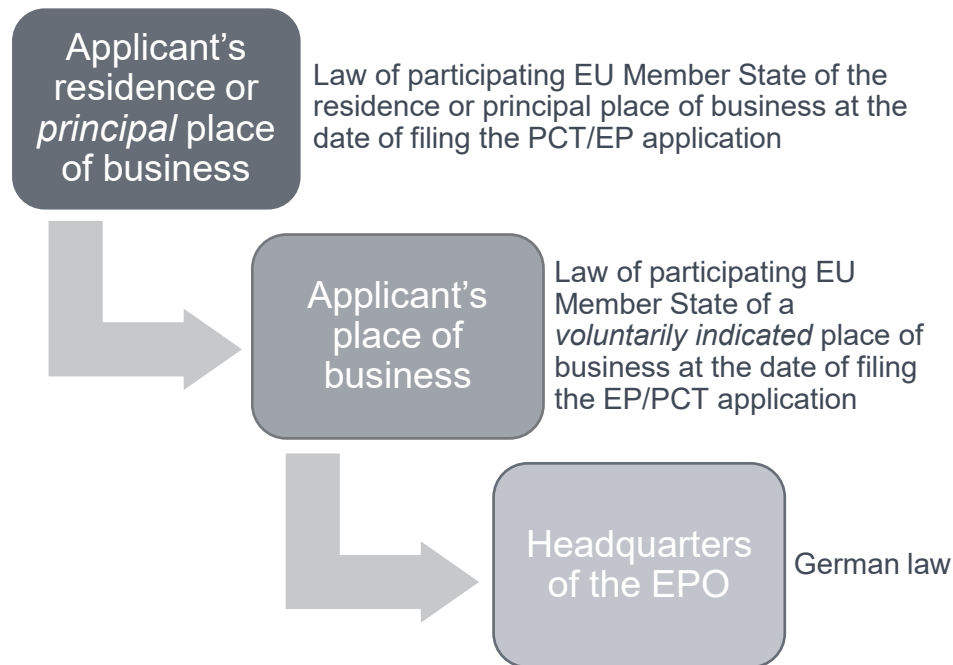
- in respect of all 25 participating Member States, and
- with the same set of claims for all of them.

### Some of the main procedural requirements

Filing of the request by the patent owner

- in writing, in the language of the proceedings, and
- no later than one month after the mention of the grant is published.
  - Translations only during a transition period  
a full **English** translation if the patent is **granted in French** or **German**,  
or
  - a full translation into **any language of the EU** if the patent has been **granted in English**

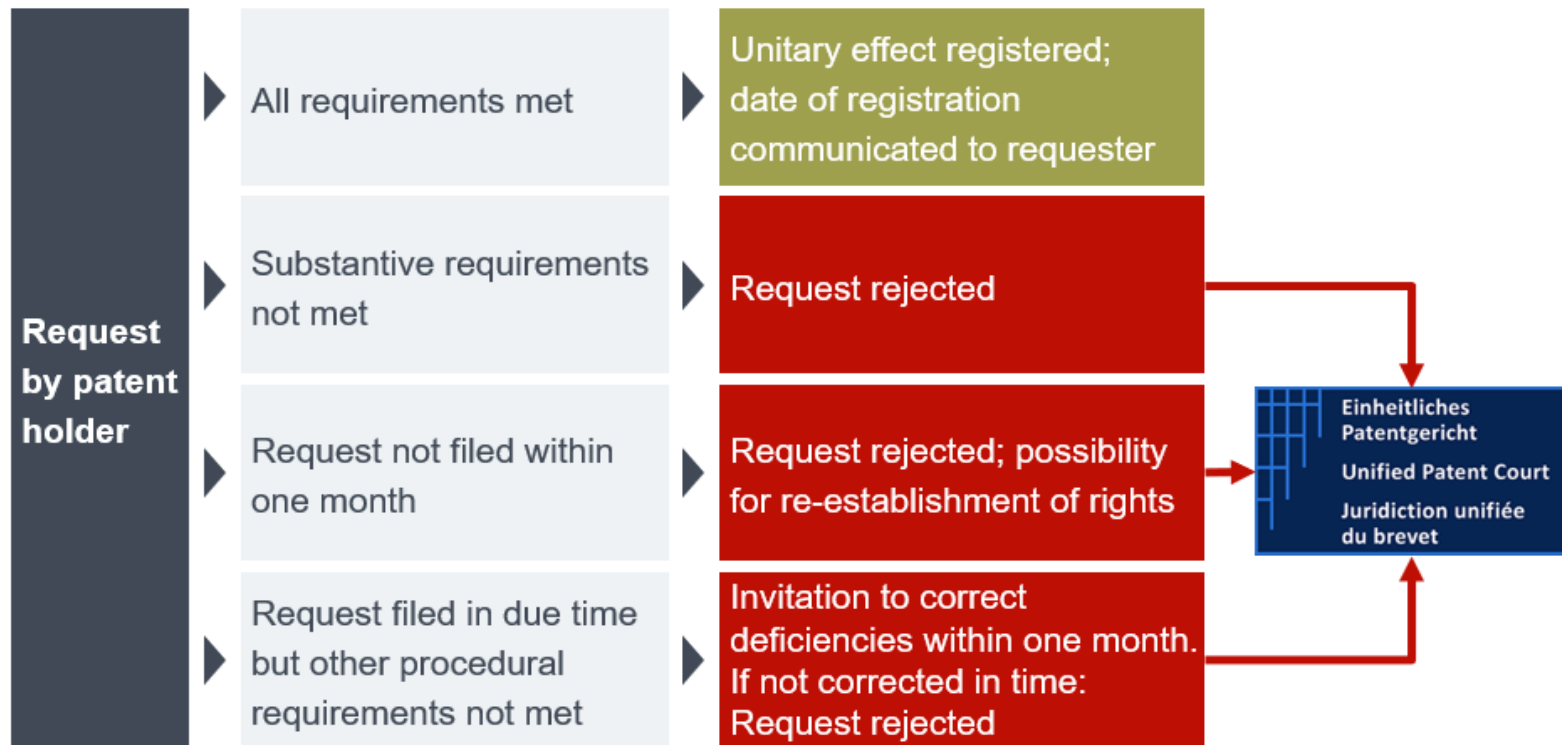
## LAW APPLICABLE TO THE UP AS AN OBJECT OF PROPERTY



- It can prove useful to have an entry in the Register for unitary patent protection showing "a place of business"
- Information on a place of business can be provided only together with request for unitary effect, UPR i.e. within one month as from the grant of the European patent
- The EPO's Online Filing Software for requesting unitary effect (Form 7000) provides a specific field for entering a place of business



## EXAMINATION OF THE REQUEST FOR UNITARY EFFECT

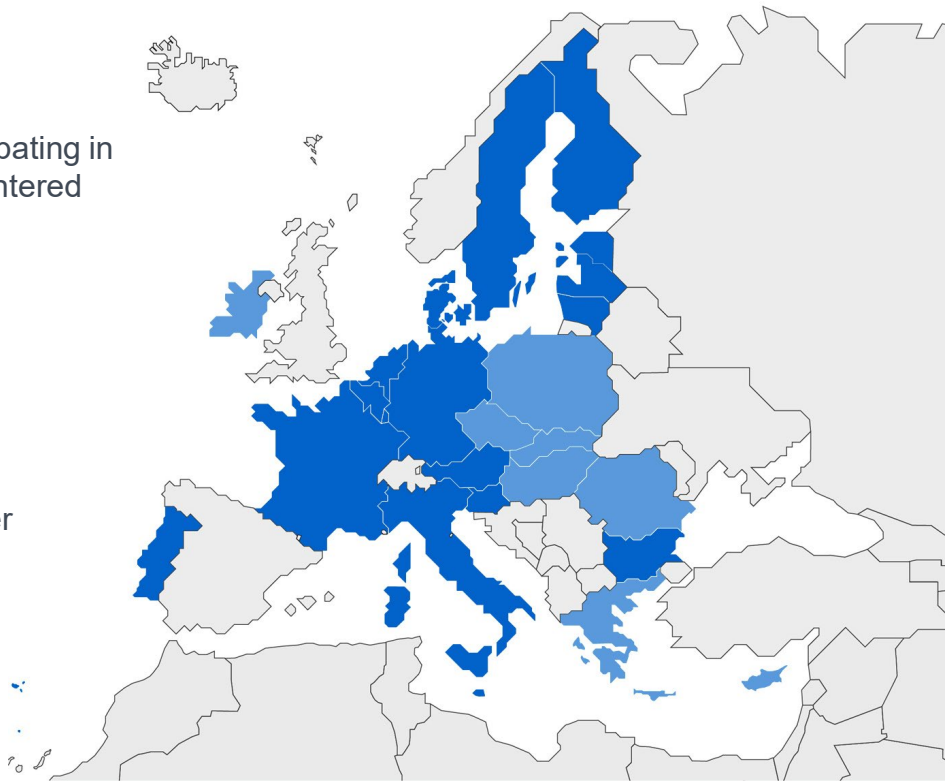


## UNITARY PATENT: TERRITORIAL SCOPE

Unitary effect is possible for all Member States participating in enhanced cooperation and for which the UPCA has entered into force at the date of registration of unitary effect

*So far **17 states**: AT, BE, BG, DE, DK, EE, FI, FR, IT, LT, LV, LU, MT, NL, PT, SE, SI*  
*(UPCA not ratified: CY, CZ, GR, HU, IE, RO, SK)*

- Different generations of Unitary Patents with different territorial coverage in the initial years
- No extension of the territorial coverage to other participating Member States which ratify the UPCA after the registration of unitary effect
- Territorial coverage is indicated in the Register for unitary patent protection





## UP DASHBOARD: GENERAL OVERVIEW

### Requests for unitary effect

*Last updated  
21.11.2023*

This dashboard shows the location of patent proprietors; the status and evolution of their [requests for unitary effect](#); the technology fields (IPC) to which their patents relate; as well as the language in which their European patents were published and subsequently translated. Click on any block or map location to customise your display. The [35 technology fields](#) are those defined by WIPO and as used in the [Patent Index](#). The uptake rate is the percentage of requests received with respect to all European patents granted.

Requests  
received

**14 246**

Registered Unitary  
Patents

**13 892**

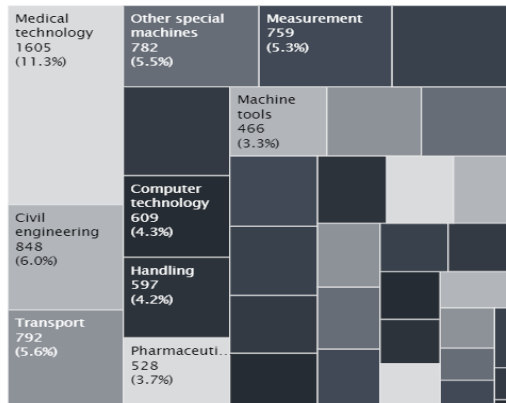
Uptake Rate  
cumulative current year

**16.0%**

#### Status of registration



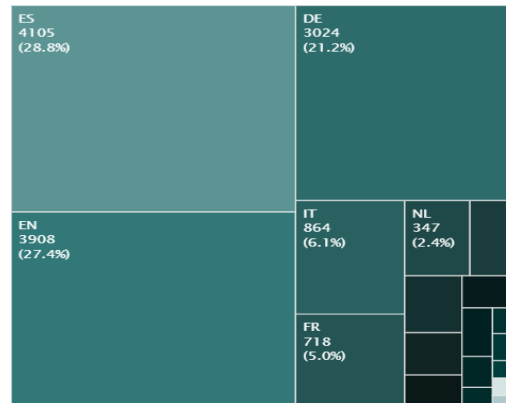
#### WIPO's technology fields (IPC)



#### Procedural language



#### Translation language



## LATEST FIGURES



### UP Requests

- 14,671 requests for unitary effect received
- On average 100 requests per day



### Filing Strategy

- 64.16 % of the requests are based on Euro-PCT applications
- 35.84 % on Euro-direct



### Origin of Proprietors

- 66.7 % of the requests from EPC countries
- 14.4 % from the US
- 11.5 % from Japan, the Republic of Korea and China



### UP Registered

- 14,300 Unitary Patents registered

# THANK YOU FOR YOUR ATTENTION!

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