

# Unitary Patent Guidelines

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80298 Munich  
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[patentlaw@epo.org](mailto:patentlaw@epo.org)

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# Unitary Patent Guidelines

1. General.....	6
1.1. Preliminary remarks.....	6
1.2. Explanatory notes.....	6
1.2.1. Overview.....	6
1.2.2. Abbreviations.....	7
1.3. Legal framework.....	8
1.3.1. EU regulations creating enhanced cooperation.....	9
1.3.2. Rules relating to Unitary Patent Protection.....	9
1.3.3. Rules relating to Fees for Unitary Patent Protection.....	10
1.3.4. Relevant EPC provisions and publications in the Official Journal.....	10
1.4. The role of the Unified Patent Court.....	10
1.5. The territorial scope of Unitary Patents.....	11
1.5.1. Territorial scope.....	11
1.5.2. Additional participating Member States ratifying/acceding to the UPCA.....	11
1.6. Role of the UPP Division.....	12
2. The request for unitary effect.....	13
2.1. Eligibility (requirements under Rule 5(2) UPR).....	13
2.2. Requirements.....	13
2.2.1. Form and time limit.....	13
2.2.2. Persons entitled to file a request for unitary effect.....	14
2.2.3. Mandatory information to be provided in the request for unitary effect.....	15
2.2.4. Language of the request for unitary effect.....	15
2.2.5. Persons entitled to sign the request.....	15
2.2.6. Voluntary indication of a place of business of the original applicant on the date of filing of the European patent application ...	16
2.2.7. Translation.....	17
2.2.7.1. Format.....	18
2.2.7.2. Correction.....	18
2.3. Filing the request for unitary effect.....	18
2.3.1. How to file the request for unitary effect.....	18
2.3.2. Acknowledgement of receipt.....	19
2.4. Examination of the request for unitary effect.....	19
2.5. Registration of the unitary effect.....	20
2.6. Rejection of the request for unitary effect.....	20
2.7. Withdrawal of the request for unitary effect.....	21
3. Fees.....	22
3.1. General.....	22
3.2. Unitary Patent fees.....	22
3.3. Methods of payment and currency.....	22
3.4. Due date for the payment of fees.....	23

3.5. Reduction of fees .....	23
3.6. Refund of fees .....	23
3.7. Renewal fees .....	24
3.8. Due date for renewal fees .....	24
3.9. Early payment of renewal fees .....	24
3.10. Additional six-month period for paying renewal fees .....	25
3.11. Missing payment after additional six-month period for paying renewal fees .....	25
3.12. Lapse of the Unitary Patent due to non-payment of the renewal fee .....	25
3.13. Renewal fee falling due after re-establishment of rights or reopening of proceedings .....	26
3.14. Special features relating to renewal fees .....	26
3.14.1. Three-month safety period under Rule 13(4) UPR .....	26
3.14.2. Renewal fee falling due between the grant of the European patent and the notification of the registration of unitary effect .....	26
4. Compensation scheme .....	28
4.1. Eligibility requirements .....	28
4.1.1. Residence, principal place of business .....	28
4.1.2. Applicant/proprietor categories .....	28
4.1.3. Transfer of the European patent application during the grant procedure .....	28
4.1.4. Filing language requirement .....	29
4.2. Filing of the request for compensation .....	29
4.3. Examination of the request for compensation .....	29
4.3.1. Grant of the request for compensation .....	29
4.3.2. Rejection of the request for compensation .....	30
4.3.3. Doubts as to the veracity of the declaration .....	30
4.3.4. Withdrawal of the request for compensation .....	31
5. Re-establishment of rights .....	32
5.1. Scope .....	32
5.2. Admissibility .....	32
5.2.1. Entitlement to file .....	33
5.2.2. Time limit .....	33
5.2.3. Form .....	33
5.2.4. Substantiation .....	33
5.3. Allowability .....	34
5.4. Decision on re-establishment of rights .....	34
6. Interruption and resumption of proceedings, stay of registration proceedings .....	36
6.1. Interruption and resumption of proceedings .....	36
6.2. Stay of registration proceedings .....	36

7. Registration of changes of name and address, transfers, licences and other rights .....	38
7.1. General .....	38
7.2. Transfer of the Unitary Patent .....	38
7.3. Changes of name .....	39
7.4. Licences and other rights .....	39
7.4.1. Registration .....	39
7.4.2. Cancellation .....	40
7.4.3. Deficiencies .....	40
7.5. Statement on licences of right .....	41
7.5.1. Registration .....	41
7.5.2. Withdrawal .....	41
7.5.3. Deficiencies .....	41
7.6. Licensing commitments .....	41
7.7. Changes of inventor data in the UP Register .....	41
8. Proceedings before the UPP Division .....	43
8.1. Filing requirements .....	43
8.1.1. Filing the request for unitary effect .....	43
8.1.2. Filing of subsequent documents .....	43
8.2. Representation before the EPO .....	43
8.2.1. Appointment of a representative .....	43
8.2.2. Representation by an employee .....	44
8.2.3. Common representative .....	44
8.2.4. Authorisations .....	44
8.2.5. Change of representation .....	46
8.3. Signature of documents .....	46
8.3.1. Signature of the request for unitary effect .....	46
8.3.2. Signature of other documents .....	47
8.3.3. Form of signature .....	47
8.4. Languages .....	47
8.5. Notification .....	48
8.6. Time limits .....	48
8.6.1. Determination of time limits .....	48
8.6.2. Failure to observe a time limit .....	48
8.7. Oral proceedings .....	49
8.8. Publications and file inspection .....	49
8.8.1. UP Register .....	49
8.8.2. Content of the UP Register .....	49
8.8.3. Recording changes in the UP Register .....	49
8.8.4. European Patent Bulletin .....	50
8.8.5. Official Journal of the EPO .....	50
8.8.6. File inspection and communication of information .....	50
8.8.7. Certificate and identifier for unitary patent protection .....	50

8.9. Legal remedies .....	51
8.9.1. Actions against decisions of the UPP Division.....	51
8.9.2. Interlocutory revision.....	51
8.9.3. Action against a decision to reject a request for unitary effect. .....	51
9. Alphabetical Keyword Index.....	52
9.1. A .....	52
9.2. B .....	54
9.3. C .....	54
9.4. D .....	55
9.5. E .....	57
9.6. F.....	58
9.7. G .....	59
9.8. I.....	59
9.9. J .....	60
9.10. L .....	61
9.11. M.....	62
9.12. N.....	62
9.13. O.....	62
9.14. P .....	62
9.15. R.....	63
9.16. S .....	66
9.17. T .....	66
9.18. U.....	67
9.19. V.....	68
9.20. W.....	68

# 1. General

## 1.1. Preliminary remarks

In accordance with Rule 3 of the Rules relating to Unitary Patent Protection in conjunction with Art. 10(2)(a) of the European Patent Convention, the President of the European Patent Office has adopted, with effect from 1 April 2025, the Unitary Patent Guidelines.

These Guidelines are updated annually to take account of developments in law and practice related to the European patent with unitary effect (referred to as "Unitary Patent"). Usually, updates involve amendments to specific sentences or passages on individual pages to bring the text into line with recent legal developments concerning the Unitary Patent and EPO practice as these continue to evolve. In general, each edition is updated to reflect the situation as of 1 December of the previous year. Any indication from readers drawing attention to errors as well as suggestions for improvement are highly appreciated and may be sent by email to [unitary\\_patent\\_division@epo.org](mailto:unitary_patent_division@epo.org).

The binding version of the Unitary Patent Guidelines is published by the EPO in searchable HTML format and as a PDF file on the EPO website at [epo.org](http://epo.org).

In the HTML publication, modifications can be viewed by selecting the Show modifications box in the upper right corner, which displays inserted text with a green background and deleted text in red strikethrough font. For sections in which no changes have been made, the selection box is greyed out.

## 1.2. Explanatory notes

### 1.2.1. Overview

The main body of these Guidelines comprises the following eight parts:

Part 1: General; deals with the legal framework, territorial scope and role of the EPO.
Part 2: The request for unitary effect; addresses the filing and examination of the request for unitary effect.
Part 3: Fees; focuses on the fees due in Unitary Patent proceedings.
Part 4: Compensation scheme; focuses on the request for compensation for translation costs.

Part 5:	Re-establishment of rights; covers the filing and processing of requests for re-establishment of rights.
Part 6:	Interruption and resumption of proceedings, stay of registration proceedings; concerns all matters related to these proceedings.
Part 7:	Registration of changes of name and address, transfers, licences and other rights; covers matters related to the UP Register.
Part 8:	Proceedings before the UPP Division; deals with general provisions relevant to the proceedings before the UPP Division.

Each part of these Guidelines is divided into sections, which may be further divided into subsections. Cross-references to other sections include the relevant section or subsection number. Any references to persons made in the Guidelines are to be understood as being gender-neutral.

### 1.2.2. Abbreviations

The following abbreviations are used in these Guidelines:

ADA	Arrangements for deposit accounts
Art.	Article
EPC	European Patent Convention
EPC Guidelines	Guidelines for Examination in the European Patent Office
EPO	European Patent Office
EU	European Union
OJ EPO	Official Journal of the European Patent Office
OJ EU	Official Journal of the European Union

Participating Member State	EU Member State participating in enhanced cooperation and having ratified the UPCA
PCT	Patent Cooperation Treaty
RFees	Rules relating to Fees
RFeesUPP	Rules relating to Fees for Unitary Patent Protection
RoP UPC	Rules of Procedure of the Unified Patent Court
SC	Select Committee of the Administrative Council of the European Patent Organisation
Unitary Patent	European patent with unitary effect
UPC	Unified Patent Court
UPC CoA	Court of Appeal of the Unified Patent Court
UPCA	Agreement on a Unified Patent Court
UPP Division	Unitary Patent Protection Division
UPR	Rules relating to Unitary Patent Protection
UP Register	Register for unitary patent protection

### 1.3. Legal framework

These Guidelines provide guidance in respect of the practice in proceedings before the EPO in accordance with Regulation (EU) No 1257/2012, Council Regulation (EU) No 1260/2012, the UPR and the RFeesUPP. They address the practice that relates to the procedure for Unitary Patent protection. The search and examination practices and procedures relating to European patent applications, including opposition, revocation and limitation proceedings, are not the subject of the Unitary Patent Guidelines. They are dealt with in the EPC Guidelines.

The present Guidelines are addressed primarily to the staff of the EPO, but are also intended to serve the parties to the proceedings and patent practitioners as a basis for illustrating the law and practice in proceedings before the EPO. As a rule, "party to the proceedings" denotes a proprietor of a European patent or of a Unitary Patent and, if the party is represented, their representative.

The Guidelines cannot cover all possible occurrences and exceptions in every detail but must be regarded as general instructions that may need to be adapted to the individual case. The application of the Guidelines to individual European patents and Unitary Patents is the responsibility of the UPP Division. As a rule, parties may expect the EPO to act in accordance with the Guidelines until such time as they – or the relevant legal provisions – are amended or the UPC decides otherwise. Information and notices on amendments to legal provisions are published in the Official Journal of the EPO and are accessible in the EPO's transparency portal.

The Guidelines do not constitute legal provisions. For the ultimate authority on practice at the EPO, it is necessary to refer first to Regulation (EU) No 1257/2012, Council Regulation (EU) No 1260/2012, the UPR, the RFeesUPP and the UPCA, and second to the interpretation put upon the relevant legislation by the UPC. With regard to the applicable EPC provisions, the case law of the EPO boards of appeal must also be considered. Where a decision or an opinion of the Enlarged Board of Appeal, the Legal Board of Appeal or the UPC is referred to, the practice described has been adapted to take account of the said decision or opinion.

### **1.3.1. EU regulations creating enhanced cooperation**

The Unitary Patent system is based on Regulation (EU) No 1257/2012 (OJ EPO 2013, 111; OJ EU L 361, 31.12.2012, 1-8), which implements enhanced cooperation for Unitary Patent protection, and Council Regulation (EU) No 1260/2012 (OJ EPO 2013, 132; OJ EU L 361, 31.12.2012, 89-92), which provides for the translation arrangements. Currently, there are 25 EU Member States (all but Croatia and Spain) participating in the enhanced cooperation scheme. The EU Member States for which the EU regulations are applicable are referred to as "participating Member States".

The SC was set up by the participating Member States to ensure the governance and supervision of the activities related to the tasks they entrusted to the EPO. The SC adopted the UPR (see 1.3.2) and RFeesUPP (see 1.3.3), which came into effect with the two regulations on 1 June 2023, upon the entry into force of the UPCA.

### **1.3.2. Rules relating to Unitary Patent Protection**

The UPR lay down the procedures entrusted to the EPO under Regulations (EU) No 1257/2012 and No 1260/2012 and provide for the establishment of the UPP Division. The main provisions relate to the request for unitary effect, the procedure for obtaining a Unitary Patent at the EPO and the legal remedies available. The UPR were

adopted in December 2015 and last amended by the Decision of the Select Committee of the Administrative Council of 13 November 2024 amending the Rules relating to Unitary Patent Protection (SC/D 1/24; see OJ EPO 2024, A96).

### **1.3.3. Rules relating to Fees for Unitary Patent Protection**

The RFeesUPP set out the fees that must be paid to the EPO as provided for in the UPR, the fees and expenses that the President of the EPO lays down and the available methods of payment. The RFeesUPP also lay down the amount of compensation available for translation costs. The RFeesUPP were adopted in December 2015 by the SC (OJ EPO 2022, A42) and entered into force on the date of entry into force of Regulations (EU) No 1257/2012 and No 1260/2012.

### **1.3.4. Relevant EPC provisions and publications in the Official Journal**

Certain procedural provisions of the EPC, from the Convention itself and the Implementing Regulations, apply *mutatis mutandis* to procedures under the UPR and the RFeesUPP (Rule 20 UPR, Art. 6 RFeesUPP). This serves the purpose of alignment with the existing EPO procedures and related practice. Accordingly, decisions of the President of the EPO and notices from the EPO concerning the implementation of the EPC provisions cited in the UPR and the RFeesUPP apply likewise to Unitary Patent proceedings because they were issued under the relevant EPC provisions, which apply *mutatis mutandis*. Due consideration must also be given to the case law of the EPO boards of appeal in relation to the respective EPC provisions.

The President of the EPO has the power to adopt internal administrative instructions relevant to the management of the UPP Division under Rule 3 UPR and Art. 10(2)(a) EPC. Decisions of the President of the EPO and of the chair of the SC as well as notices and information from the EPO are published in the Official Journal. Notices and information of a general character issued by the SC or the President of the EPO are also published in the Official Journal (Rule 17(2) UPR).

## **1.4. The role of the Unified Patent Court**

In 2013, 25 EU Member States signed the UPCA, paving the way for the establishment of the UPC as a common court with exclusive competence in infringement and revocation disputes relating to Unitary Patents. With respect to (traditional) European patents, in accordance with Art. 83 UPCA, the UPC has concurrent competence with national courts or other competent national authorities during a transitional period lasting until 31 May 2030 unless the patent has been opted out from the competence of the UPC. The UPCA entered into force on 1 June 2023.

Actions against decisions of the UPP Division in carrying out the tasks referred to in Art. 9 Regulation (EU) No 1257/2012 may be brought before the UPC. The UPC may invite the EPO to comment. The EPO will be bound by decisions of the UPC in relation to actions of the UPP Division (Rule 1(1) UPR).

## **1.5. The territorial scope of Unitary Patents**

### **1.5.1. Territorial scope**

The territorial scope of a Unitary Patent covers the territories of those EU Member States participating in enhanced cooperation on Unitary Patent protection and in which the UPCA is in force at the time of registration of the unitary effect (Art. 18(2) Regulation (EU) No 1257/2012, see also 1.5.2). The scope remains the same for the entire lifetime of the Unitary Patent and is not extendable to the participating Member States that ratify the UPCA after its unitary effect has been registered. The Unitary Patent system became operational on 1 June 2023 for the following 17 states: Austria, Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, Slovenia and Sweden.

On 1 September 2024, Romania acceded to the Unitary Patent system, which now covers 18 states (see 1.5.2). The territorial scope of each individual Unitary Patent is shown in the UP Register (see Rule 16(1)(g) UPR).

Details on the territorial scope of the Unitary Patent in the participating Member States with overseas territories (i.e. Denmark, France, Netherlands) may be found in the EPO publication entitled "National measures relating to the Unitary Patent", which is available on the EPO website (epo.org).

### **1.5.2. Additional participating Member States ratifying/ acceding to the UPCA**

A new Unitary Patent generation is created when the UPCA enters into force in a new Member State participating in enhanced cooperation after the launch of the Unitary Patent system (see 1.5.1). In practice, this means that the territorial scope of a Unitary Patent depends on the Member States comprised in the latest Unitary Patent generation when unitary effect is registered. When a new Unitary Patent generation takes effect, the territorial scope of existing Unitary Patents will not extend to the territory of the newly acceded participating Member State.

Romania's instrument of ratification of the UPCA was deposited on 31 May 2024 and took effect three months later. As a result, Romania acceded to the Unitary Patent system on 1 September 2024. Thus, Unitary Patents registered on or after 1 September 2024 cover 18 states, namely the original 17 states (see 1.5.1) plus Romania, and constitute the second generation of Unitary Patents.

The EPO allows patent proprietors to request a delay of the registration of unitary effect whenever an additional participating Member State has ratified and is due to accede to the UPCA. Such a delay can be requested up until the new ratification or accession takes effect. In such cases, the territorial scope of the Unitary Patent will then extend to the new participating Member State(s). The EPO informs users about such a possibility and the applicable conditions in a dedicated notice published in the Official Journal, as in the case of Romania when it was announced that it would join the Unitary Patent system on 1 September 2024 (OJ EPO 2024, A61). The filing of a request to delay registration does not remove the requirement to meet the one-month time limit for requesting unitary effect (see 2.2.1).

## **1.6. Role of the UPP Division**

The participating Member States have entrusted the EPO with administrative tasks relating, in particular, to processing requests for unitary effect, maintaining the UP Register and collecting renewal fees (Art. 9 Regulation (EU) No 1257/2012 and Rule 4(2) UPR). The UPP Division was established as a special EPO department with responsibility for dealing with these tasks (Rule 4(1) UPR).

Each decision of the UPP Division is taken by a legally qualified member (Rule 4(3) UPR). Certain duties have been entrusted to other employees (see the decision of the President of the EPO dated 30 May 2022 (OJ EPO 2022, A69)).

## **2. The request for unitary effect**

### **2.1. Eligibility (requirements under Rule 5(2) UPR)**

To be eligible for unitary effect, a European patent must have been granted with the same set of claims in respect of all 25 participating Member States (Rule 5(2)(a) UPR). This condition must be met irrespective of the territorial coverage of the Unitary Patent in question (see 1.5.2).

Thus, a European patent should not contain a different set of claims for any of the participating Member States (Rule 138 EPC).

A withdrawal of designation for one or more of the participating Member States results in ineligibility for the registration of unitary effect.

The same applies when claims are missing in respect of one or more of the participating Member States. For example, if the date of filing of an application or of the root application in the case of a sequence of divisional applications is earlier than 1 March 2007, the resulting European patent will not have been granted with the same set of claims in respect of all participating Member States as required under Rule 5(2)(a) UPR because the last participating Member State within the meaning of Art. 2(a) Regulation (EU) No 1257/2012 and Rule 5(2)(a) UPR to accede to the EPC, i.e. Malta, did not do so until 1 March 2007 (OJ EPO 2007, 1).

Furthermore, the proprietor of a European patent should not, at the time of filing the request for unitary effect, be subject to the restrictive measure laid down in Art. 5s(2) of Regulation (EU) No 833/2014 as amended by Regulation (EU) No 2024/1745, having regard to Art. 5s(5) of that Regulation (see new Rule 5(2)(b) UPR, which entered into force on 15 November 2024; see also the notice from the European Patent Office dated 13 November 2024 concerning the implementation of the 14th package of EU sanctions against Russia in procedures related to the Unitary Patent and the amendment to the Rules relating to Unitary Patent Protection (OJ EPO 2024, A97)).

### **2.2. Requirements**

#### **2.2.1. Form and time limit**

The proprietor of a European patent must file a request for unitary effect in writing in the language of the proceedings with the EPO (Rule 6(2) UPR). EPO Form 7000 is available for that purpose; its use is not mandatory but strongly recommended. The request must be filed no later than one month after the publication of the mention of the grant of the European patent in the European Patent Bulletin (Rule 6(1) UPR; Art. 97(3) EPC). This period is non-extendable. Re-establishment of rights in respect of this period can be requested ((see 5.1).

The request for unitary effect may also be filed at an earlier stage, once the decision to grant the European patent has been issued (EPO Form 2006A). An early request for unitary effect will however not be processed by the UPP Division before the date of the publication of the mention of the grant of the European patent in the European Patent Bulletin and will only appear in the UP Register as of that date.

Unitary effect must be requested by the proprietor of the European patent (Rule 5(1) UPR). If the proprietor changes because a transfer of rights is registered between the filing of an early request for unitary effect and the publication of the mention of the grant of the European patent in the European Patent Bulletin, the new proprietor will be asked by the UPP Division to confirm the early request for unitary effect. If a transfer of rights is pending at the time of filing a request for unitary effect, the UPP Division will assess the particularities of the case to determine whether the request for unitary effect may be registered immediately or whether the registration of the transfer of rights needs first to be confirmed (see 2.2.3).

### **2.2.2. Persons entitled to file a request for unitary effect**

A Unitary Patent may be requested for a European patent granted to multiple proprietors in respect of the same or different participating Member States on condition that it was granted with the same set of claims in respect of all participating Member States (see 1.5.1).

The request must be made by all co-proprietors in respect of the participating Member States to which the unitary effect will extend. If this is not the case, the UPP Division will issue a communication inviting the requester to remedy the deficiency.

However, co-proprietors cannot request unitary effect for a European patent that has been granted to them exclusively in respect of one or more EPC contracting states not participating in enhanced cooperation or where the UPCA is not in force. Such co-proprietors cannot request unitary effect or be designated as common representatives.

Joint proprietors of a European patent filing a request for unitary effect may act through a common representative. If the request for unitary effect does not name a common representative, the proprietor first named in the request will be considered the common representative. However, if one of the proprietors is required to appoint a professional representative under Rule 20(1) UPR in conjunction with Art. 133(2) EPC (see also 8.2.2), this representative will be considered the common representative acting on behalf of all proprietors. In such cases, no other proprietor can act as common representative. However, if the proprietor first named in the request has appointed a professional representative, that representative will be considered to be acting on behalf of all proprietors (Rule 20(2)(l) UPR in conjunction with Rule 151(1) EPC).

The common representative is only entitled to act for all the proprietors if the request for unitary effect has been duly signed by all of them or their respective representatives.

### **2.2.3. Mandatory information to be provided in the request for unitary effect**

The request for unitary effect must contain the following information (Rule 6(2) UPR):

- (a) particulars of the proprietor of the European patent making the request as provided for in Rule 41(2)(c) EPC
- (b) the number of the European patent to which unitary effect is to be attributed
- (c) where the requester has appointed a representative, their particulars as provided for in Rule 41(2)(d) EPC.

In the case of multiple proprietors, they all need to be listed in the request for unitary effect. However, they do not need to be listed in the same order as in the request for grant (EPO Form 1001) or in the European patent specification.

The requester(s) must be identical to the proprietor(s) mentioned in the European Patent Register at the date of filing of the request for unitary effect or, at the latest, at the date of registration of unitary effect. The term "requester" covers the name, address and nationality of the proprietor, as well as the state in which their residence or principal place of business is located, as specified in Rule 6(2) UPR in conjunction with Rule 41(2)(c) EPC. A request received under Rule 22 or 85 EPC for a transfer of rights or a request for a change of name and/or address after the decision to grant the European patent is issued and the registration of the request for unitary effect is pending will be taken into consideration if the transfer or change of name and/or address concerns proprietors in respect of the participating Member States to which the unitary effect is to extend.

### **2.2.4. Language of the request for unitary effect**

The request for unitary effect must be filed in the language of the proceedings within the meaning of Art. 14(3) EPC (Rule 6(2) UPR). This language requirement will automatically be satisfied by filing the request for unitary effect with trilingual EPO Form 7000 either directly in any of the EPO's online filing tools, by postal services or via the EPO Contingency Upload Service.

### **2.2.5. Persons entitled to sign the request**

If the proprietor has their residence or principal place of business in an EPC contracting state, the request for unitary effect may be signed by:

- the proprietor themselves

- a professional representative (Rule 20(1) UPR in conjunction with Art. 134(1) EPC), in which case no authorisation needs to be filed) or
- a legal practitioner (Rule 20(1) UPR in conjunction with Art. 134(8) EPC), in which case no authorisation needs to be filed or
- a duly authorised employee (Rule 20(1) UPR in conjunction with Art. 133(3), first sentence, EPC), in which case an authorisation needs to be filed.

If the proprietor is a legal person and the request is not signed by a professional representative or a legal practitioner entitled to act as such under Rule 20(1) UPR in conjunction with Art. 134(1) or (8) EPC, it must be signed by:

- a person entitled to sign by law, by the proprietor's articles of association or equivalent or by a special mandate, with an indication of that person's position within the legal entity or
- an employee under Rule 20(1) UPR in conjunction with Art. 133(3), first sentence, EPC (Rule 152(1) to (3) EPC), in which case an authorisation must be filed.

A proprietor who has neither a residence nor a principal place of business within the territory of an EPC contracting state must be represented and act through a representative (Rule 20(1) UPR in conjunction with Art. 133(2) EPC). In the case of such proprietors, the request must be signed by:

- a professional representative (Rule 20(1) UPR in conjunction with Art. 134(1) EPC), in which case no authorisation needs to be filed or
- a legal practitioner (Rule 20(1) UPR in conjunction with Art. 134(8) EPC), in which case no authorisation needs to be filed.

For authorisations, see 8.2.4.

### **2.2.6. Voluntary indication of a place of business of the original applicant on the date of filing of the European patent application**

In addition to the mandatory information under Rule 6(2) UPR, a voluntary indication may be made together with the request for unitary effect as to a place of business of the original applicant on the date of filing of the European patent application within the meaning of Art. 7(1)(b) Regulation (EU) No 1257/2012 (Rule 16(1)(w) UPR).

As an object of property, a Unitary Patent will be treated in its entirety and in all the participating Member States as a national patent of the participating Member State in which that patent has unitary effect and in which, according to the European Patent Register (Art. 7(1) Regulation (EU) No 1257/2012):

- (a) the applicant had their residence or principal place of business on the date of filing of the application for the European patent or
- (b) where point a) does not apply, the applicant had a place of business on the date of filing of the application for the European patent.

Where two or more persons are entered in the European Patent Register as joint applicants, point (a) above will apply to the joint applicant indicated first. Where the latter did not have their residence or principal place of business in one of the participating Member States at the date of filing of the application, point (a) above will apply to the next joint applicant indicated in the order of entry. Where point (a) does not apply to any of the joint applicants, point (b) above will apply accordingly (see Art. 7(2) Regulation (EU) No 1257/2012).

In cases where no applicant had their residence or principal place of business within the meaning of point a) when filing the European patent application or the international application under the PCT designating or electing the EPO (Euro-PCT application), it can prove useful to have an entry in the UP Register showing "a place of business on the date of filing" within the meaning of point b) (Rule 16(1)(w) UPR).

While indicating a "place of business on the date of filing" is voluntary, that information may only be provided together with the request for unitary effect. If, in such circumstances as those mentioned in the paragraph above, it is not provided with the request for unitary effect, German law will apply with regard to the treatment of the Unitary Patent as an object of property pursuant to Art. 7(3) Regulation (EU) No 1257/2012.

Care must be taken to provide the correct information as regards the place of business within the meaning of point (b) to avoid any legal uncertainty. This is not only relevant for the proprietor but also for third parties for whom incorrect information may have adverse legal consequences.

A place of business provided together with the request for unitary effect under Rule 16(1)(w) UPR will not be displayed in the UP Register if the UPCA has not taken effect in the indicated participating Member State at the date of registration of unitary effect by the EPO (Arts. 7(1) and 18(2) Regulation (EU) No 1257/2012).

### **2.2.7. Translation**

The request for unitary effect must contain a translation of the European patent as required under Art. 6(1) Regulation (EU) No 1260/2012. Where the language of the proceedings is French or German, a full translation of the specification of the European patent into English must be submitted. Where the language of the proceedings is English, a full translation of the specification of the European patent into any other official language of the European Union must be submitted.

A full translation of the specification of the European patent is required. Under Rule 73(1) EPC, the specification of the European patent includes the description, the claims and any drawings. Therefore, the translation of the description, the claims and any text in the drawings needs to be filed.

The translation has no legal effect and is for information only (Art. 6(2) Regulation (EU) No 1260/2012). Translation do not have to be certified.

In cases where claims and/or the description are amended in subsequent opposition or limitation proceedings, there is no requirement to file a further amended translation for a Unitary Patent.

In principle, sequence listings do not need to be translated, irrespective of whether they appear or are merely referred to in the European patent specification. Should the circumstances of a case require that a translation of the sequence listing be filed under Rule 6(2)(d) UPR, the UPP Division will issue an invitation to the proprietor to file such a translation.

The translations are placed in the public part of the file relating to the Unitary Patent.

#### **2.2.7.1. Format**

The translation should be drawn up in a form enabling it to be published, i.e. it should be typewritten or printed (Art. 6(2) Regulation (EU) No 1260/2012; Rule 20(2)(c) UPR in conjunction with Rule 50(2) EPC).

The requirements under Rule 50(2) EPC for the presentation of the translation in European patent proceedings apply *mutatis mutandis* to Unitary Patent proceedings pursuant to Rule 20(2)(c) UPR (see the decision of the President of the EPO dated 25 November 2022 (OJ EPO 2022, A113)).

#### **2.2.7.2. Correction**

The UPP Division does not check the translation's accuracy as it has no legal effect and is for information purposes only. After the submission of the translation, linguistic errors, errors of transcription and mistakes may be corrected on request (Rule 20(2)(h) UPR in conjunction with Rule 139, first sentence, EPC).

### **2.3. Filing the request for unitary effect**

#### **2.3.1. How to file the request for unitary effect**

The request for unitary effect should preferably be filed online using EPO Form 7000 in the EPO's online filing tools. Detailed descriptions of the various options can be found on the EPO website (see **Filing options** on epo.org; see also EPC Guidelines, A-II, 1.1).

The request for unitary effect can also be filed in person or by postal services with the EPO at its headquarters (Isar) and PschorrHöfe buildings in Munich, its branch at The Hague and its Berlin sub-office. However, it cannot be filed at the EPO sub-offices in Vienna and Brussels, and it cannot be filed with the central industrial property office or competent authority of an EPC contracting state (Rule 6(1) UPR). Fax is not a permitted means of filing at the EPO. Requests for unitary effect filed by fax are therefore deemed not to have been received (see the decision of the President of the EPO dated 22 April 2024 concerning the abolition of facsimile (fax) as a means of filing patent applications and other documents (OJ EPO 2024, A41) and the related notice from the EPO (OJ EPO 2024, A42)).

### **2.3.2. Acknowledgement of receipt**

The receipt of a request for unitary effect filed online is acknowledged electronically following its submission. Where such an acknowledgement is not successfully transmitted, the UPP Division will transmit it by other means without delay, provided it has sufficient information to do so (**Art. 11 of the decision of the President of the EPO dated 16 October 2024** (OJ EPO 2024, A88)). The acknowledgement of receipt is also issued on paper for requests for unitary effect submitted on paper.

## **2.4. Examination of the request for unitary effect**

If the requirements under Rule 5(2) UPR are met (see 2.1) and the request for unitary effect complies with the formal requirements set out in Rule 6 UPR, the UPP Division will register the unitary effect in the UP Register (see 2.5).

If the time limit for filing the request for unitary effect under Rule 6(1) UPR and the requirements under Rule 5(2) UPR are met, but the request for unitary effect fails to comply with the requirements under Rule 6(2) UPR, the UPP Division will give the proprietor an opportunity to comply with the outstanding requirements within a non-extendable period of one month (Rule 7(3) UPR). Re-establishment of rights in respect of this period is ruled out (Rule 22(6) UPR). Where appropriate, the UPP Division will invite the proprietor to comment at least once in accordance with Rule 20(1) UPR in conjunction with Art. 113(1) EPC.

If the requirements under Rule 5(2) UPR are not met or the request for unitary effect was filed more than one month after the mention of the grant of the European patent in the European Patent Bulletin (Rule 6(1) UPR) and no request for re-establishment of rights was filed, or one was filed but rejected, the UPP Division will issue an intention to reject the request for unitary effect (Rule 7(2) UPR) and will invite the requester to comment at least once in accordance with Rule 20(1) UPR in conjunction with Art. 113(1) EPC.

If the request for unitary effect fails to comply with any other formal requirements, the UPP Division will give the requester an opportunity

to remedy the deficiencies. Where appropriate, the UPP Division will invite the proprietor to comment at least once in accordance with Rule 20(1) UPR in conjunction with Art. 113(1) EPC.

Incorrect or missing indications of optional entries in the request form (EPO Form 7000), such as the date of mention of the grant, will not result in a finding of deficiency.

## **2.5. Registration of the unitary effect**

If the requirements under Rule 5(2) UPR are met (see 2.1) and the request for unitary effect complies with the formal requirements set out in Rule 6 UPR, the UPP Division will register the unitary effect and communicate the date of registration to the requester via EPO Form 7030 (Rule 7(1) UPR). The Unitary Patent takes effect on the date of the publication of the mention of the grant of the European patent in the European Patent Bulletin (Art. 4(1) Regulation (EU) No 1257/2012).

## **2.6. Rejection of the request for unitary effect**

If the requirements under Rule 5(2) UPR are not met, the UPP Division, after duly considering any comments filed in time, will take a final decision to reject the request for unitary effect once the period for filing comments on the intention to reject has expired (Rule 7(2) UPR).

If the requirements under Rule 6(1) UPR are not met, the UPP Division, after duly considering any comments filed in time, will also take a final decision to reject the request for unitary effect once the period for filing comments on the intention to reject has expired, provided that no request for re-establishment of rights has been filed (see 5) or that any request for re-establishment of rights filed has been rejected (Rule 7(2) UPR).

The UPP Division will also take a final decision to reject the request for unitary effect if the outstanding formal requirements under Rule 6(2) UPR are not (duly) remedied or are not remedied within the non-extendable period of one month (Rule 7(3) UPR). This will be done, where appropriate, after duly considering any comments filed in time (Rule 7(3) UPR), once the period for filing comments under Art. 113(1) EPC has expired. Compliance with the time limit under Rule 7(3) UPR is mandatory and is not subject to re-establishment of rights (UPC\_CoA\_796/2025, point 23 of the Reasons).

Where a request for unitary effect is rejected by either the EPO or the UPC or where the unitary effect is revoked by the UPC after expiry of the deadlines for validating the European patent, a safety net mechanism may provide the possibility to validate the European patent in one or more of the relevant participating Member States. Information on the safety net of the relevant participating Member States can be found in chapter II of National measures relating to the Unitary Patent.

## **2.7. Withdrawal of the request for unitary effect**

A request for unitary effect may be withdrawn as long as the UPP Division has not taken a decision, i.e. to register unitary effect or reject the request (see Supplementary publication 3, OJ EPO 2023, 5). A communication confirming the withdrawal of the request for unitary effect will be issued by the UPP Division.

### **3. Fees**

#### **3.1. General**

The RFeesUPP set out the amounts of the fees and expenses due to the EPO as provided for in the UPR and the fees and expenses laid down by the President of the EPO (Supplementary publication 4, OJ EPO 2024, 23).

Most of the important provisions of the RFees under the EPC apply equally to the Unitary Patent, particularly those governing the payment of fees at the EPO (Art. 6 RFeesUPP).

Fees for Unitary Patents can be paid using the same means of payment as those available in European patent proceedings, including deposit accounts held with the EPO. The ADA and their annexes are applicable (see Supplementary publication 2, OJ EPO 2024, 2 as amended by the decision of the President of the EPO dated 12 February 2025 concerning the revision of the Arrangements for deposit accounts and their annexes (OJ EPO 2025, A17)).

Whilst the request for unitary effect is free of charge, i.e. no filing, examination or registration fees are due, other fees such as renewal fees are to be paid to the EPO (see 3.2).

#### **3.2. Unitary Patent fees**

The Unitary Patent fees are, in particular:

- renewal fees (Art. 2(1), item 1, RFeesUPP)
- additional fee for late payment of a renewal fee (Art. 2(1), item 2, RFeesUPP)
- fee for re-establishment of rights (Art. 2(2) RFeesUPP)
- administrative fee to be paid where compensation for translation costs was based on a false declaration (Art. 4(2) RFeesUPP)
- other fees, expenses and prices not specified in the UPR and laid down by the President of the EPO (Decision of the President of the European Patent Office dated 25 January 2024 revising the Office's fees and expenses (OJ EPO 2024, A5)), such as the fee for registering transfers, licences and other rights (Art. 5 RFeesUPP).

#### **3.3. Methods of payment and currency**

The fees due must be paid to the EPO in euros via any of the accepted payment methods. Payments can be made by debit from a deposit account held with the EPO, credit card or bank transfer.

All of these payment methods can be accessed via Central Fee Payment, the EPO website (epo.org) or MyEPO. Fees may be validly paid by any person, i.e. there is no need to appoint a representative

for this. Information relating to fees , including the EPO bank account for payments in euros, can also be found on the EPO website (epo.org).

New automatic debiting requests and refund instructions will need to be filed for the Unitary Patent procedure as existing instructions for European patent applications or patents do not automatically extend to the Unitary Patent procedure.

### **3.4. Due date for the payment of fees**

With the exception of renewal fees (see 3.7), due dates for the payment of fees related to Unitary Patents follow the same principle as for European patent applications, namely the first day on which the fees may validly be paid, not the last day of a period for such payment. If no due date is specified, the fee is due on the date of receipt of the request for the service incurring the fee concerned (Art. 4 RFees; see EPC Guidelines, A-X, 5.1.1).

The amount of the renewal fee to be paid is determined by the RFeesUPP. The applicable amount is the one in force on the date on which the payment is made (Art. 2 RFeesUPP).

### **3.5. Reduction of fees**

A reduction of 15% of the renewal fees is granted as long as a statement by the proprietor offering a licence of right is registered (see 7.5). As a result, the reduction is not applied if the statement is subsequently withdrawn (see 7.5.2).

### **3.6. Refund of fees**

New refund instructions must be included in the request for unitary effect. Existing refund instructions for European patent applications or patents do not apply to the Unitary Patent procedure.

The EPO refunds incorrect or undue fees to any deposit account that the party to the proceedings indicates in its refund instructions. Deposit accounts held by a third party may also be indicated. Refund instructions must be filed in an electronically processable format (XML), namely via Online Filing 2.0, as early as possible, preferably using EPO Form 7000. Refund instructions can be updated at any time, using EPO Form 7038.

Where the EPO cannot make a refund to a deposit account and where the party to the proceedings or their authorised representative is a user of MyEPO, the refund can be claimed directly in Central Fee Payment. The EPO will inform the party to the proceedings, via a communication to their Mailbox in MyEPO, that a refund is pending and can be claimed in Central Fee Payment.

Where the EPO cannot make a refund to a deposit account and where the refund recipient is not a user of MyEPO, the party to the

proceedings is invited to claim the refund in Central Fee Payment with a refund code.

Where no refund instructions are on file and a refund is pending or, where applicable, compensation for translation costs is to be credited to a bank account, the party to the proceedings is invited to claim the refund in Central Fee Payment with a refund code (OJ EPO 2024, A23).

### **3.7. Renewal fees**

Renewal fees due for Unitary Patents and any additional fees for their late payment must be paid to the EPO. They are due in respect of the years following the year in which the mention of the grant of the European patent is published in the European Patent Bulletin (Rule 13(1) UPR). Each patent year ends on the anniversary of the date of filing of the European patent application which led to the Unitary Patent (EPC Guidelines, A-X, 5.2.4). The proprietor of a Unitary Patent pays one single renewal fee direct to the EPO, in one currency and under a single legal regime as regards deadlines and admissible means of payment.

### **3.8. Due date for renewal fees**

The due dates for renewal fees for Unitary Patents are in line with the system in place for European patent applications under Rule 51(1) EPC. A renewal fee for a Unitary Patent in respect of the coming year will be due on the last day of the month containing the anniversary of the date of filing of the European patent application which led to the Unitary Patent. Renewal fees cannot be validly paid more than three months before they fall due (Rule 13(2) UPR). The payment periods are calculated in accordance with Rule 20(2)(g) UPR in conjunction with Rules 131 and 134 EPC. Therefore, if the due date is a day on which the EPO cannot receive mail within the meaning of Rule 134(1) EPC, the due date will not change. Instead, the last day for the payment to be validly performed will be deferred to the first day on which all filing offices are open for receipt of documents and on which mail is delivered.

### **3.9. Early payment of renewal fees**

Renewal fees cannot be validly paid more than three months before they fall due (Rule 13(2) UPR).

Where the payment of the renewal fee is effected on or after the date of the request for unitary effect, but before notification of the registration of the unitary effect, the payment is considered to have been validly paid if the conditions under Rule 13(2) UPR have been met.

### **3.10. Additional six-month period for paying renewal fees**

If a renewal fee is not paid in due time, it may still be paid within six months of the due date, provided that an additional fee (50% of the renewal fee (Art. 2(1), item 2, RFeesUPP)) is also paid within that period (Rule 13(3) UPR).

The EPO will send a reminder to the proprietor as a courtesy service. Consequently, the proprietor may not invoke the omission of this reminder.

### **3.11. Missing payment after additional six-month period for paying renewal fees**

The six-month additional period under Rule 13(3) UPR starts on the due day as referred to in Rule 13(2) UPR, even if the EPO cannot receive mail on that date because of holidays, a mail interruption or a strike. However, Rule 134(1) EPC will apply to the expiry of the six-month additional period such that the last day for valid payment will again be deferred to the first working day thereafter (see Rule 20(2) (g) UPR; OJ EPO 1992, 402; Rules 131 and 134 EPC).

When calculating the additional period under Rule 13(3) UPR, the established practice of the EPO is applied (EPC Guidelines, A-X, 5.2.4). It follows that the six-month period for the payment of a renewal fee with an additional fee expires on the last day of the sixth month after the due date in the light of Rule 13(2) UPR, and not on the day of that month corresponding in number to the due date. Thus, the calculation is to be made from the last day of the month to the last day of the sixth month thereafter (e.g. if the due date is 28 February, then the end of the six-month period will be 31 August and not 28 August).

If the renewal fee is not paid within the additional six-month period referred to in 3.10, the EPO will send a communication under Rule 20(2)(d) UPR in conjunction with Rule 112(1) EPC notifying the proprietor of a loss of rights.

Failure to pay the renewal fee within the additional six-month period can be redressed by re-establishment of rights under Rule 22 UPR (see 5).

A review of the finding of the EPO causing the loss of rights may be requested by applying for a decision under Rule 112(2) EPC. An action against that decision can be brought before the UPC (Art. 32(1)(i) UPCA).

### **3.12. Lapse of the Unitary Patent due to non-payment of the renewal fee**

Non-payment of the renewal fee and of any additional fee results in the lapse of the Unitary Patent (Rule 14(1)(b) UPR). The lapse is then

deemed to have occurred on the date on which the renewal fee was due (Rule 14(2) UPR).

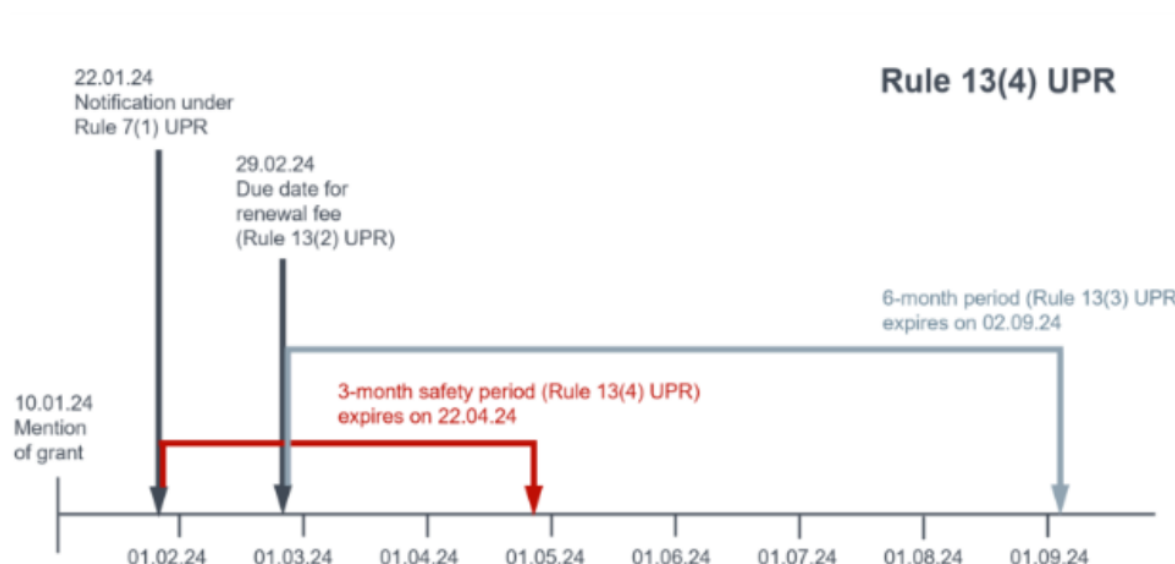
### 3.13. Renewal fee falling due after re-establishment of rights or reopening of proceedings

Where the renewal fee (see 3.7 and 3.8) fell due before or during the period of decision leading up to the re-establishment of the Unitary Patent or to the reopening of proceedings before the board of appeal by the Enlarged Board of Appeal regarding the European patent, the valid payment of the renewal fee due for the Unitary Patent can still be effected as per Rule 13(6) UPR in conjunction with Rule 51(4) and (5) EPC.

### 3.14. Special features relating to renewal fees

#### 3.14.1. Three-month safety period under Rule 13(4) UPR

A Unitary Patent renewal fee that falls due within three months of the notification of the communication referred to in Rule 7(1) UPR (i.e. EPO Form 7030, informing the requester of the date of registration of unitary effect) may be paid within that three-month period without the additional fee referred to in Rule 13(3) UPR (see Rule 13(4) UPR). This three-month period does not change the start of the six-month additional period for paying the renewal fee with an additional fee (Rule 13(3) UPR). With respect to the date of notification of a communication, the established practice of the EPO applies (see EPC Guidelines, E-II, 2).

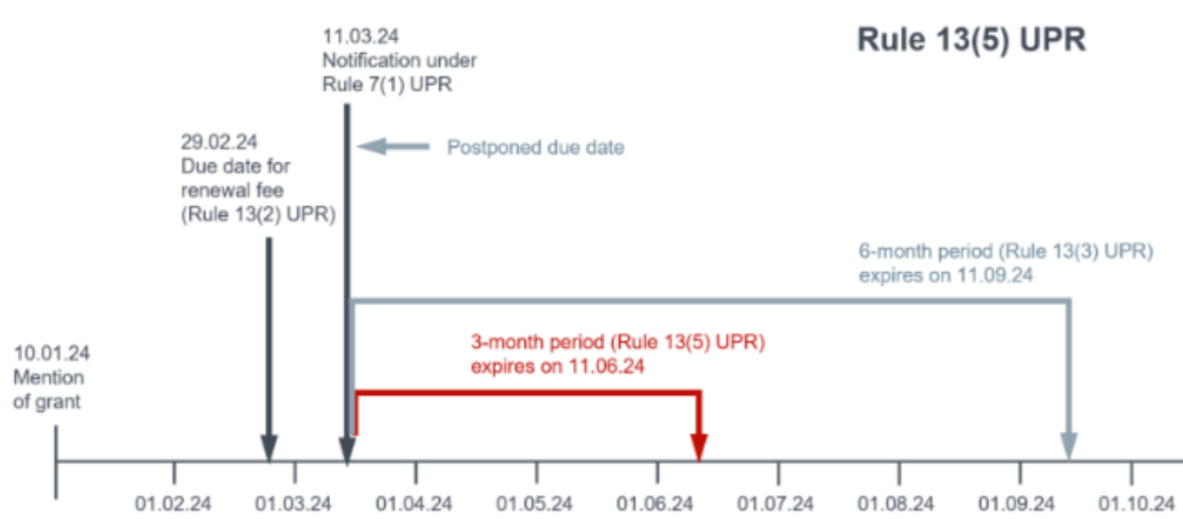


#### 3.14.2. Renewal fee falling due between the grant of the European patent and the notification of the registration of unitary effect

Once the EPO has notified the patent proprietor of the decision to register unitary effect, the Unitary Patent takes effect on the date of the publication of the mention of the grant of the European patent in the European Patent Bulletin in accordance with Art. 4(1) Regulation

(EU) No 1257/2012 (see also Recital 8 Regulation (EU) No 1257/2012, Rules 7(1) and 13(3) and (5) UPR).

A renewal fee may fall due after the date of the publication of the mention of the grant of the European patent in the European Patent Bulletin but before or on the day of the notification of the registration of the unitary effect by the EPO. In such cases, the due date for the payment of the renewal fee is shifted to the date of the notification of the registration (Rules 7(1) and 13(5) UPR). The renewal fee may be paid within three months of this notification without any additional fee (Rule 13(5) UPR). If it is not paid within this three-month period, the renewal fee can still be paid with an additional fee within six months from the date of notification of the registration (Rules 7(1) and 13(3) UPR).



## 4. Compensation scheme

A compensation scheme is in place to cover the costs of translation in the pre-grant phase of European and Euro-PCT patent applications that were filed in one of the official languages of the European Union other than the three official languages of the EPO (Art. 5 Regulation (EU) No 1260/2012).

### 4.1. Eligibility requirements

#### 4.1.1. Residence, principal place of business

To be eligible for compensation for translation costs, the proprietor(s) of the Unitary Patent and – in case of change of ownership – the initial applicant(s) must have (had) their residence or principal place of business in an EU Member State. It does not matter if the EU Member State is not participating in the Unitary Patent system.

#### 4.1.2. Applicant/proprietor categories

Furthermore, the proprietor(s) and, where applicable, the initial applicant(s) must either be a natural person or fall within one of the following categories as provided for in Rule 8(2) UPR:

- small and medium-sized enterprises as defined in European Commission Recommendation 2003/361/EC dated 6 May 2003 or
- non-profit organisations as defined in Art. 2(1)(14) Regulation (EU) No 1290/2013 or
- universities or public research organisations.

Universities and public research organisations are not expressly defined in any EU legislation but a definition – as well as more details on the definitions of small and medium-sized enterprises and non-profit organisations – can be found in the notice from the EPO dated 25 January 2024 (OJ EPO 2024, A8).

#### 4.1.3. Transfer of the European patent application during the grant procedure

If the request for compensation is submitted by the same entity as the one that filed the European patent application, the eligibility criteria must be fulfilled at the time of filing the European patent application (Art. 5 Regulation (EU) No 1260/2012; Recital 10 Regulation (EU) No 1260/2012).

If there are multiple proprietors, the compensation will be granted only if each proprietor fulfils the eligibility criteria (Rule 8(3) UPR).

Where the European patent application or the European patent was transferred before the request for unitary effect was filed, the compensation will be granted only if both the initial applicant and the

new proprietor (in the latter's case, at the time of requesting compensation) fulfil the eligibility criteria (Rule 8(4) UPR).

#### **4.1.4. Filing language requirement**

To qualify for the compensation scheme, the European patent application for which the Unitary Patent was granted must have been filed in an official language of the European Union other than English, French or German (Rule 8(1) UPR, see also Regulation (EU) No 1).

The compensation scheme applies not only to European patent applications filed at the EPO but also to Euro-PCT applications originally filed at a PCT receiving Office (Art. 153(2) EPC) in an official language of the European Union other than English, French or German (Rule 8(5) UPR).

### **4.2. Filing of the request for compensation**

The proprietor must file an express request for compensation to benefit from the scheme.

The request for compensation must be filed together with the request for unitary effect (Rule 9(1) UPR; see also Rule 6(1) UPR, section 2.2.1). It must contain a declaration that the proprietor and, if applicable, the initial applicant is a natural person or one of the entities as provided for in Rule 8(2) UPR.

The form provided by the EPO for filing the request for unitary effect (EPO Form 7000) includes a checkbox for simultaneously requesting the compensation and making the required declaration of eligible status, making it easy in practice to request compensation. A request for compensation which is not filed electronically or using the checkbox on the request form must be filed in writing by another admissible means of filing and fulfil the requirements under Rule 20(2)(c) UPR in conjunction with Rule 50(2) and (3) EPC.

### **4.3. Examination of the request for compensation**

#### **4.3.1. Grant of the request for compensation**

The UPP Division will examine the request for compensation and notify the proprietor if it can be granted.

A compensation request can only be granted once the unitary effect has been registered (Rule 10(1) UPR). Once compensation has been granted, the proprietor retains it regardless of any possible subsequent change in status, i.e. even if, for instance, they no longer fulfil the eligibility requirements (see 3.2) or assign their Unitary Patent to a new proprietor who does not meet the eligibility requirements (Rule 10(2) UPR).

The compensation amount is paid as a lump sum (Rule 11 UPR in conjunction with Art. 4(1) RFeesUPP) into the proprietor's deposit account indicated on the request. The compensation amount is in

practice handled as a refund (Supplementary publication 3, OJ EPO 2023, 20; see also 3.6). Where no deposit account information has been provided, the proprietor can claim the compensation amount online and request that it be credited to a bank account of their choice.

#### **4.3.2. Rejection of the request for compensation**

The request for compensation will be rejected where:

- no unitary effect has been registered or the request was validly withdrawn
- the proprietor of the Unitary Patent has their **residence or principal** place of business in a state that is not an EU Member State
- both the proprietor of the Unitary Patent and/or the initial applicant had their residence or principal place of business in a state which is not an EU Member State in cases where the European patent application or the European patent was transferred before the request for unitary effect was filed
- the European patent application/Euro-PCT application was originally filed in English, French or German
- the European patent application/Euro-PCT application was originally filed in a language which is not an official language of the EU or
- the proprietor and/or, where applicable, the initial applicant do not fall within one of the categories provided for in Rule 8(2) UPR.

If any of the deficiencies mentioned above are identified in the request, the proprietor will be notified through a communication concerning Rule 10(1) UPR (EPO Form 7040A). They will be invited to provide comments and/or supporting evidence within a time limit to be specified.

If the request for compensation is not withdrawn or if no satisfying evidence or comments are received, a decision to reject the request for compensation will be issued by the UPP Division. An action against such a decision can be lodged before the UPC (Rules 87 RoP UPC et seq.).

#### **4.3.3. Doubts as to the veracity of the declaration**

The UPP Division will conduct checks to ensure compliance with the eligibility requirements, i.e. whether the initial applicant(s), if applicable, and the proprietor(s) of the Unitary Patent fall within one of the categories provided for in Rule 8(2) UPR (see 4.1).

If no information is found to confirm compliance with the eligibility requirements or if the information found raises doubts as to the veracity of the declaration filed under Rule 9(2) UPR, the UPP Division will request appropriate evidence confirming the status of the applicant(s)/proprietor(s) (Rule 10(3) and (4) UPR). Such evidence

may take the form of an extract from the commercial register or other official documents.

If the evidence filed contains sufficient information to confirm that the status of the applicant(s)/proprietor(s) fulfils the eligibility requirements, the request for compensation will be allowed.

If no or insufficient evidence is filed, the requester will be informed about the intention to reject their request, giving them the possibility to comment (Rule 20(1) UPR in conjunction with Art. 113(1) EPC). If, after expiry of the time limit, the request still cannot be granted, a final decision to reject the request for compensation will be issued (see 4.3.2).

If the UPP Division finds that the request for compensation was granted on the basis of a false declaration, the proprietor will be invited to pay an additional fee composed of the compensation amount paid and an administrative fee (amounting to 50% of the compensation amount; Rule 10(4) UPR and Art. 4(2) RFeesUPP) with the next renewal fee falling due for their Unitary Patent. Failure to repay the compensation amount and the administrative fee will result in the lapse of the Unitary Patent (Rules 10(4) and 14 UPR).

#### **4.3.4. Withdrawal of the request for compensation**

The request for compensation may be withdrawn as long as the UPP Division has not yet taken a decision on it. The withdrawal must be filed in writing and be signed by an authorised person (see 2.2.5 and 8.2.4).

## 5. Re-establishment of rights

A proprietor of a European patent or of a Unitary Patent who, despite taking all due care required by the circumstances, was unable to observe a time limit vis-à-vis the EPO may request the re-establishment of their rights. A "time limit" is taken to mean a specific period within which an act vis-à-vis the EPO must be completed (see EPC Guidelines, E-VIII, 1.1).

### 5.1. Scope

Re-establishment of rights may be requested only for cases where non-observance of the time limit is the direct cause of either the lapse of the Unitary Patent under Rule 14(1)(b) UPR or a loss of any other right or legal remedies.

The main circumstances giving rise to re-establishment of rights in proceedings before the UPP Division are filing the request for unitary effect too late and failing to duly pay renewal fees for the Unitary Patent (see 2.3 and 3.7 respectively).

In the case of a late-filed request for unitary effect, the European patent proprietor may be able to obtain re-establishment of rights in respect of the non-extendable one-month period specified in Rule 6(1) UPR. Re-establishment of rights may also be requested if the time limit under Rule 13(3) UPR for paying the renewal fee together with the additional fee (50% of the renewal fee, see 3.10) is missed. The one-year period runs from the last date on which the renewal fee could still have been paid together with the additional fee.

Re-establishment of rights may also be requested if the time limit for the following acts is missed:

- filing of a request for compensation (Rule 9(1) UPR)
- payment of the compensation amount granted on the basis of a false declaration and the related administrative fee (Rule 10(4) UPR)
- submitting a request for a decision (Rule 20(2)(d) UPR in conjunction with Rule 112 EPC).

Re-establishment of rights is not available in respect of the time limit for requesting re-establishment of rights (Rule 22(6) UPR) and the correction of deficiencies referred to in Rule 7(3) UPR (see Rule 22(6) UPR and 2.4).

### 5.2. Admissibility

The admissibility of a request for re-establishment of rights is assessed in accordance with the applicable provisions of the UPR, any relevant UPC case law or, in the absence of such, the

established practice of the EPO based on the case law of the EPO boards of appeal on Art. 122 EPC and Rule 136 EPC.

### **5.2.1. Entitlement to file**

The request may be filed by the proprietor of a European patent or of a Unitary Patent or their duly appointed representative (see 8.2.1). In the case of a transfer of a Unitary Patent, the request for re-establishment of rights may only be filed by the registered proprietor (see 2.2.5).

### **5.2.2. Time limit**

The request for re-establishment of rights in respect of the time limit for filing the request for unitary effect must be filed at the latest within two months of expiry of that period regardless of the date of removal of the cause of non-compliance (Rule 22(2) UPR). The one-year period for requesting re-establishment of rights that starts upon expiry of the unobserved time limit does not apply in cases where the expired time limit relates to the filing of a request for unitary effect.

Requests for re-establishment of rights in respect of the other time limits subject to re-establishment must be filed within two months of the removal of the cause of non-compliance with the time limit, but at the latest within one year of expiry of the unobserved time limit. Refer to the EPC Guidelines for more information on removal of the cause of non-compliance (see EPC Guidelines, E-VIII, 3.1.3).

The request for re-establishment of rights will not be deemed to have been filed until the prescribed fee has been paid (Rule 22(2) UPR).

### **5.2.3. Form**

The request for re-establishment of rights must be filed in writing. The omitted act must be completed within the time limit for filing the request for re-establishment of rights. In the case of a request for re-establishment of rights in respect of the time limit for requesting unitary effect, the omitted act that must be performed is the filing of the request for unitary effect (see 2.3).

### **5.2.4. Substantiation**

The request for re-establishment of rights will not be deemed admissible if not sufficiently substantiated. A sufficiently substantiated request will state the grounds on which it is based and set out the facts on which it relies. Certain specific elements are therefore expected to be included in the statement of grounds, namely (non-exhaustively): the precise cause of non-compliance, when and under which circumstances the cause occurred and was removed and the core facts making it possible to assess whether all due care required by the circumstances were taken.

A request relying only on general statements and containing no specific facts does not satisfy the requirement for a duly substantiated

request (Rule 136(2) EPC and decision J 15/10 of the Legal Board of Appeal). A duly substantiated statement of grounds must be submitted within the time limit for filing the request for re-establishment of rights.

Refer to the EPC Guidelines for further information on substantiation in the context of re-establishment of rights at the EPO (see EPC Guidelines, E-VIII, 3.1.4).

### **5.3. Allowability**

European patent or Unitary Patent proprietors can only have their rights re-established if they can show that they acted with all due care required by the circumstances in their attempt to observe the missed time limit. All due care means all reasonable care, which is the standard of care that the notional reasonable competent proprietor or their representative would employ in all relevant circumstances. The proprietor will normally have to prove that the failure to meet the time limit results either from exceptional circumstances or from an isolated mistake within a normally satisfactory monitoring system.

Even when the existence of exceptional circumstances is proven or when non-compliance with the time limit can be traced back to an isolated mistake, all due care must have been taken by all the parties involved (e.g. proprietor, representative, assistants, etc.). This requirement is fulfilled, for example, when an assistant makes an error despite having been carefully selected, instructed and supervised by the representative.

Refer to the EPC Guidelines for further information on the application of the due care criteria at the EPO (see EPC Guidelines, E-VIII, 3.2).

### **5.4. Decision on re-establishment of rights**

Decisions on requests for re-establishment of rights are taken by the UPP Division. If all the requirements are met and the request is granted, the proprietor is informed accordingly (EPO Form 7115). The legal consequences of the failure to observe the time limit will, subject to Rule 22(7) UPR, be deemed not to have ensued (Rule 22(5) UPR).

If the request for re-establishment cannot be granted, for instance if it is deemed inadmissible or not allowable, the UPP Division issues first a communication (Rule 20(1) UPR in conjunction with Art. 113 EPC). The communication informs the proprietor of the UPP Division's intention to reject the request for re-establishment of rights and includes a statement of the grounds for the intended rejection. The proprietor is invited to file any comments or supporting evidence within a period to be specified (see 8.6.1). The proprietor's response may be taken into account only if it is submitted within the time limit set and if it does not extend beyond or alter the facts and grounds as presented in the original request. If needed, the UPP Division may invite the proprietor to file further comments or supporting evidence prior to taking a final decision. Oral proceedings may be held either if

the UPP Division considers this to be expedient or at the request of any party (Rule 21(1) UPR, see also 8.7).

After considering all duly presented facts and evidence, the UPP Division takes a final decision to grant or reject the request for re-establishment of rights. A decision to grant the request is communicated to the proprietor via EPO Form 7155 unless a reasoned decision to reject the request is to be issued (EPO Form 7099). Grounds for a decision will only be provided if the request is rejected. An action against such decision can be lodged before the UPC under Arts. 32(1)(i) and 66 UPCA (see 8.9.1). Attention is also drawn to Rules 88 et seq. RoP UPC.

Where a request for re-establishment of rights in respect of the period specified in Rule 6(1) UPR filed together with the request for unitary effect is rejected, the UPP Division will, alongside the decision to reject the request for re-establishment, issue an intention to reject the request for unitary effect, citing the grounds for that decision. The proprietor will have the opportunity to file comments within a period to be specified (see 8.6.1). These comments will be taken into account before a final decision is issued (see 2.6). However, since the request for re-establishment of rights has been rejected and the requirements set out in Rule 7(3) UPR are thus not fulfilled, a decision to reject the request for unitary effect will typically follow. An action against such a decision can be brought before the UPC (see 8.9.1).

## **6. Interruption and resumption of proceedings, stay of registration proceedings**

### **6.1. Interruption and resumption of proceedings**

Interruption and resumption of proceedings before the UPP Division are subject to the provisions of Rule 20(2)(i) UPR in conjunction with Rule 142 EPC (see EPC Guidelines, E-VII, 1.1 and 1.4). The UPP Division bears responsibility for the interruption and resumption of proceedings related to Unitary Patents.

In principle, the UPP Division interrupts proceedings pursuant to Rule 142 EPC *ex officio*. In the case of Rule 142(1)(a), last sentence, EPC, however, proceedings are interrupted on request of the authorised representative only. The UPP Division will assess each case on the basis of Rule 142 EPC and the established practice of the EPO with a view to protecting parties who are prevented by legal reasons from acting in proceedings against a loss of rights which would otherwise occur (decision J 16/05 of the Legal Board of Appeal).

Time limits in force on the date of interruption of the proceedings begin again, in their original length, as from the day on which the proceedings are resumed, with the exception of the time limits for paying renewal fees. The EPO's established practice under Rule 20(2)(i) UPR in conjunction with Rule 142(4) EPC applies (see EPC Guidelines, E-VII, 1.5).

An interruption is registered (in general retroactively) with legal effect from the date of the occurrence of the event. In cases where proceedings are interrupted on request, the interruption takes effect as from the date of receipt of the request by the UPP Division (see EPC Guidelines, E-VII, 1.3 and 1.4).

The parties are informed of the interruption of proceedings and the reasons for it. The date of interruption as well as the date of resumption of proceedings are recorded in the UP Register (Rule 16(1)(u) UPR).

### **6.2. Stay of registration proceedings**

The President of the EPO may decide *ex officio* under Rule 3 UPR to take the precaution of staying proceedings for the registration of unitary effect in the UP Register in specific situations. If proceedings are stayed, the EPO will inform the parties accordingly. It will also withdraw any communications setting them time limits for reacting and refrain from dispatching any other such communications until the registration proceedings have been resumed (e.g. Notice from the European Patent Office dated 10 July 2024 concerning the staying of proceedings for the registration of unitary effect as a precautionary

measure due to the EU's 14th package of sanctions against Russia (OJ EPO 2024, A70)).

The President of the EPO may decide at any point in time that registration proceedings which have been stayed are to be resumed (e.g. Notice from the European Patent Office dated 13 November 2024 concerning the implementation of the 14th package of EU sanctions against Russia in procedures related to the Unitary Patent and the amendment to the associated amendment to the Rules relating to Unitary Patent Protection (OJ EPO 2024, A97); see 2.1).

## **7. Registration of changes of name and address, transfers, licences and other rights**

### **7.1. General**

Rights and the transfer of rights relating to Unitary Patents are registered at the request of an interested party in the UP Register by the UPP Division (Rule 20(2)(b) UPR in conjunction with Rules 22 to 24 EPC; Rule 16(1)(j) UPR).

Changes to the particulars of the proprietors are also recorded in the UP Register by the UPP Division, in accordance with Rule 16(1)(j) UPR.

### **7.2. Transfer of the Unitary Patent**

A Unitary Patent may be transferred only in respect of all the participating Member States for which the Unitary Patent is registered (Art. 3(2) in combination with the second paragraph of Art. 18(2) Regulation (EU) No 1257/2012).

Transfers are recorded in the UP Register at the request of an interested party and on production of documents satisfying the EPO that they have taken place.

The registration of the transfer may be subject to an administrative fee under the conditions laid down by the President of the EPO pursuant to Rule 22(2) EPC (OJ EPO 2024, A5). No administrative fee is due where a request for registration under Rule 20(2)(b) UPR in conjunction with Rule 22 EPC is filed via MyEPO. Where the request is filed via other means, the administrative fee remains due. In the latter case, the request is not deemed to have been filed until the administrative fee has been paid (see EPC Guidelines, A-X, 2). The amount of the fee is determined by the latest schedule of fees and expenses of the EPO (see Schedule of Fees).

Where a fee is due and the request relates to multiple Unitary Patents, a separate fee must be paid for each Unitary Patent. Simultaneous payment for multiple Unitary Patents is only possible using the batch functionality in Central Fee Payment (see the notice from the EPO dated 19 July 2022 (OJ EPO 2022, A81)). Where batch payment was attempted via any other means, e.g. by editing the amount to be paid on EPO Form 7038 filed electronically, the transfer will be registered for the first Unitary Patent only and the overpayment will be refunded. Payment of the fee due in respect of each of the Unitary Patents for which the batch payment failed will need to be effected again, which will lead to different dates of legal effect.

Where a fee is due and the request for registration of a transfer of rights affects both the Unitary Patent and the European patent for the

remaining EPC contracting states not territorially covered by the unitary effect, only one administrative fee is due.

Any kind of written evidence suitable to prove the transfer is admissible. This includes formal documentary proof such as the instrument of transfer itself (original or a copy thereof) or other official documents or extracts thereof, provided they immediately verify the transfer. The evidence may be filed in any language. The EPO may, however, require a translation into one of its official languages (Rule 3(3) EPC).

Refer to the EPC Guidelines for further information on the formal requirements for requesting a transfer and the evidence to be filed alongside the request (see EPC Guidelines, E-XIV, 3 and 4).

For the formal requirements for signatures and authorisations, see 8.3.2 and 8.2.4.

### **7.3. Changes of name**

Mere changes of name, i.e. changes that do not involve a modification of the legal identity of the proprietor, can be entered in the UP Register upon request and production of relevant documentary evidence as long as the Unitary Patent proceedings before the EPO are pending. Such registration is free of charge (see EPC Guidelines, E-XIV, 5).

### **7.4. Licences and other rights**

#### **7.4.1. Registration**

A Unitary Patent may be licensed in respect of the whole or part of the territories of the participating Member States for which the Unitary Patent is registered (Art. 3(2) in combination with the second paragraph of Art. 18(2) Regulation (EU) No 1257/2012). It may, in respect of all participating Member States, give rise to rights *in rem* and may be the subject of legal means of execution (according to the law applicable to the Unitary Patent as an object of property, Art. 7 Regulation (EU) No 1257/2012).

The EPO's established practice applies to the registration of the grant, establishment or transfer of such rights and any legal means of execution affecting a Unitary Patent (Rule 20(2)(b) UPR in conjunction with Rules 23 and 24 EPC). A licence will be recorded in the UP Register as an exclusive licence if the proprietor and the licensee request it. A licence will be recorded as a sub-licence where it is granted by a licensee whose licence is already recorded in the UP Register.

A request to record an exclusive licence in the UP Register is no longer admissible once a statement concerning licences of right has been filed unless that statement is withdrawn (Rule 12(4) UPR).

As to the standard of proof applying to the registration of licences and other rights and any legal means of execution see EPC Guidelines, E-XIV, 3 and 6.

The registration of licences, other rights and any legal means of execution may be subject to the payment of an administrative fee under the conditions laid down by the President of the EPO pursuant to Rule 20(2)(b) UPR in conjunction with Rules 23 and 24 EPC. Where the request is filed via MyEPO, no fee is due (see the decision of the President of the EPO dated 25 January 2024 (OJ EPO 2024, A5)). A fee is due for requests filed via other means, in which case, the request is deemed not to have been filed until the administrative fee has been paid (see EPC Guidelines, A-X, 2). The amount of the fee is determined by the latest schedule of fees and expenses of the EPO (see Schedule of Fees).

If the request complies with the requirements of Rule 20(2)(b) UPR, the licence or other right is registered with the date on which the request, the required evidence or, where applicable, the fee has been received by the EPO, whichever is the latest.

#### **7.4.2. Cancellation**

A registration of licences or other rights may be cancelled upon request, on production either of documents satisfying the UPP Division that the right has lapsed or been declared invalid, or of a declaration of the proprietor of the right that they consent to the cancellation (Rule 20(2)(b) UPR in conjunction with Rule 23(2) EPC). The cancellation may be subject to the payment of an administrative fee. Where the request is filed via MyEPO, no fee is due (see the decision of the President of the EPO dated 25 January 2024 (OJ EPO 2024, A5)). A fee is due for requests filed via other means, in which case, the request is deemed not to have been filed until the administrative fee has been paid (see EPC Guidelines, A-X, 2). Cancellation of a registration is only possible if the Unitary Patent has not lapsed (see EPC Guidelines, E-XIII, 6.2).

#### **7.4.3. Deficiencies**

If the request or evidence submitted for registration or cancellation of a licence or other right is found to be insufficient, the UPP Division will inform the party concerned accordingly and request of them to remedy the deficiencies found within a period to be specified. Failure to rectify the deficiency in time leads to refusal of the request.

If there is a minor deficiency in a request for registration of a licence or other right, i.e. if all requirements were fulfilled but not completely (e.g. the request was signed but the name and/or position of the person signing were missing), the licence or other right will be registered – after rectification of the deficiency – with effect from the date of receipt of the original request for registration.

## **7.5. Statement on licences of right**

### **7.5.1. Registration**

Proprietors of a Unitary Patent may file a statement with the EPO to the effect that they are prepared to allow any person to use their invention as a licensee in return for appropriate consideration (Rule 12(1) UPR). A licence obtained under the system of licences of right will be treated as a contractual licence (Art. 8(2) Regulation (EU) No 1257/2012). This statement can be filed using EPO Form 7001 or as a free-text letter. No administrative fee is due and the statement will be entered in the UP Register free of charge.

A statement cannot be registered as long as an exclusive licence is recorded in the UP Register or a request for recording of such a licence is pending with the UPP Division (Rule 12(3) UPR).

Renewal fees for a Unitary Patent which fall due after receipt of a statement under Rule 12(1) UPR will be reduced by 15% (Art. 3 RFeesUPP). Any additional fee for belated payment of a renewal fee (Rule 13(3) UPR and Art. 2(1), item 2, RFeesUPP) will be calculated on the basis of the reduced renewal fee.

### **7.5.2. Withdrawal**

A statement on licences of right can be withdrawn at any time by filing a request with the UPP Division. The withdrawal will take effect only if the full amount by which the renewal fees were reduced is repaid to the EPO (Rule 12(2) UPR). The withdrawal request can be filed using EPO Form 7002 or as a free-text letter.

### **7.5.3. Deficiencies**

If the statement or the request for withdrawal of the statement on licences of right submitted contains any deficiencies, the UPP Division will request of the proprietor to remedy these deficiencies within a period to be specified. Failure to rectify the deficiencies within the time limit set will result in the rejection of the request.

## **7.6. Licensing commitments**

The EPO has been entrusted with receiving licensing commitments undertaken by the proprietor of the Unitary Patent in international standardisation bodies (Art. 9(1)(c) Regulation (EU) No 1257/2012 and Rule 16(1)(k) UPR). This commitment can be filed using EPO Form 7005 or as a free-text request letter. Such registration is free of charge.

## **7.7. Changes of inventor data in the UP Register**

A request to change the inventor data or the order in which the inventors are listed can be considered as long as the Unitary Patent proceedings are pending before the EPO. The country and place of

residence can be updated but any street name is deleted for those inventors for whom the change is requested.

## **8. Proceedings before the UPP Division**

### **8.1. Filing requirements**

#### **8.1.1. Filing the request for unitary effect**

For information on how to file the request for unitary effect, see 2.3.1.

#### **8.1.2. Filing of subsequent documents**

After a request for unitary effect has been filed, any further documents needed for the procedure to obtain a Unitary Patent or relating to Unitary Patents after registration may be filed with the EPO, preferably electronically by means of Online Filing 2.0, the EPO Contingency Upload Service or, for certain procedural actions, MyEPO. Alternatively, they may be filed by delivery by hand or by postal services. Documents may not be filed by fax (see the decision of the President of the EPO dated 22 April 2024 (OJ EPO 2024, A41) and the notice from the EPO dated 22 April 2024 (OJ EPO 2024, A42)). For more details, see also EPC Guidelines, A-VIII, 2.5.

EPO Form 7038 is available for use as a letter accompanying subsequently filed documents.

Submissions filed electronically or on paper must be signed by an authorised person (see 2.2.5). If the document is not validly signed (see 8.3), the UPP Division will invite the party concerned to sign it within a time limit to be specified by the EPO. If duly signed in time, the document retains its original date of receipt. Otherwise, it is deemed not received (Rule 20(2)(c) UPR in conjunction with Rule 50(3) EPC).

For documents or submissions filed electronically, an automatically generated electronic acknowledgement of receipt is issued. No acknowledgement of receipt is issued for documents subsequently filed on paper.

For the filing requirements for authorisations, see 8.2.4.

### **8.2. Representation before the EPO**

The EPC applies to representation in Unitary Patent proceedings (Rule 20(2)(l) UPR in conjunction with Arts. 133 and 134(1), (5) and (8) EPC, Rules 151 to 153 EPC; see EPC Guidelines, A-VIII, 1).

#### **8.2.1. Appointment of a representative**

The appointment of a representative must be made separately for proceedings relating to the Unitary Patent, even if a representative is already appointed for the EPC proceedings.

A proprietor subject to the obligation of being represented under Rule 20(2)(l) UPR in conjunction with Art. 133(2) EPC must act

through an appointed representative in all proceedings before the UPP Division, except for the payment of renewal fees (Art. 6 RFeesUPP in conjunction with Rule 6(1) RFees; see also 3.4).

It is permitted to appoint a representative for proceedings relating to the Unitary Patent who is different from the one appointed for EPC proceedings. The representative for the Unitary Patent will be entered in the UP Register (see 8.8.1) and receive communications relating to Unitary Patent proceedings, while the representative for EPC proceedings will remain recorded in the European Patent Register and will continue to receive communications relating to EPC proceedings.

Representation before the EPO in Unitary Patent proceedings may be undertaken by:

- professional representatives or an association of professional representatives (see EPC Guidelines, A-VIII, 1.2) or
- legal practitioners entitled to act as representatives under Rule 20(1) UPR in conjunction with Art. 134(8) EPC (see EPC Guidelines, A-VIII, 1.3) or
- an association of professional representatives and/or legal practitioners (see EPC Guidelines, A-VIII, 1.4)

### **8.2.2. Representation by an employee**

Proprietors having their residence or principal place of business in an EPC contracting state are not obliged to be represented by a professional representative or legal practitioner in EPO proceedings concerning their Unitary Patent. They may, irrespective of whether they are legal or natural persons, act through an employee, who need not be a professional representative or legal practitioner but who must always file an authorisation (see 8.2.4; see EPC Guidelines, A-VIII, 1.5).

### **8.2.3. Common representative**

If one of the proprietors is obliged to appoint a representative (see 8.2.1), that representative will be deemed to be the common representative acting on behalf of all proprietors unless the proprietor first named in the request has already appointed a representative (see 2.2.2; see EPC Guidelines, A-VIII, 1.6).

### **8.2.4. Authorisations**

Representatives acting before the EPO in Unitary Patent proceedings must, on request, file a signed authorisation within a period to be specified by the EPO. The time limit cannot be extended (see 8.6.1). If the authorisation is not filed in time, any procedural steps taken by the representative, including the procedural act of requesting unitary effect, will be deemed not taken (Rule 20(2)(l) UPR in conjunction with Rule 152(6) EPC).

Professional representatives and legal practitioners entitled to act as representatives under Rule 20(1) UPR in conjunction with Art. 134(8) EPC will be required to file a signed authorisation only in certain circumstances, in particular if there is a change and the previous representative has not explicitly withdrawn from representation or if there is any doubt as to the representative's entitlement to act (see the decision of the President of the EPO dated 7 July 2025 (OJ EPO 2025, A46), the notice from the EPO dated 8 July 2024 (OJ EPO 2024, A77) and the notice from the EPO dated 7 July 2025 (OJ EPO 2025, A47)). If an authorisation is required under that decision, it needs to cover proceedings relating to the Unitary Patent.

Representatives may be authorised either by an individual authorisation or by a general authorisation. An authorisation given for European patent proceedings does not extend to Unitary Patent proceedings unless this is indicated by selecting the corresponding box on EPO Form 1003 (individual authorisation) or EPO Form 1004 (general authorisation) (see EPC Guidelines, A-VIII, 1.8). Alternatively, EPO Forms 7003 and 7004, which provide, respectively, for an individual and a general authorisation with respect only to Unitary Patent proceedings, can be used. When filing the request for unitary effect (EPO Form 7000, see 2.2), it is possible simply to refer to a previously filed copy of an authorisation if it also covers Unitary Patent proceedings

General authorisations for professional representatives and legal practitioners are not registered by the EPO (see the decision of the President of the EPO dated 7 July 2025 (OJ EPO 2025, A46) and the notice from the EPO dated 7 July 2025 (OJ EPO 2025, A47)). These groups of representatives are no longer required to refer to a previously registered general authorisation's registration number. Professional representatives and legal practitioners acting under a general authorisation can file an electronic copy of it in the proceedings using one of the EPO's permitted means of electronic filing (see EPC Guidelines, A-VIII, 1.8).

The Legal Division registers general authorisations for employees (see the decision of the President of the EPO dated 7 July 2025 (OJ EPO 2025, A46) and the notice from the EPO dated 7 July 2025 (OJ EPO 2025, A47)), who may file an individual authorisation or refer to the general authorisation's registration number (see EPC Guidelines, A-VIII, 1.8).

If one of the proprietors is obliged to appoint a representative, that representative will be deemed to be the common representative (see 8.2.4) unless the proprietor first named in the request has already appointed a representative. In either case, the authorisation does not need to be signed by all proprietors.

Authorisations may be filed electronically via Online Filing 2.0 and the EPO Contingency Upload Service or on paper (see EPC Guidelines, A-VIII, 2.5). Authorisations may bear handwritten, facsimile or text-string signatures (see EPC Guidelines, A-VIII, 3.3), or digital

signatures under the conditions specified by the decision of the President dated 8 July 2024 (OJ EPO 2024, A76) and the notice from the EPO dated 8 July 2024 (OJ EPO 2024, A77). Where a digital signature is used, the authorisation must be filed electronically.

### **8.2.5. Change of representation**

Where possible, the UPP Division will take due consideration of cases where the EPO receives a request for a change of representation after the mention of the grant is published and before the unitary effect is registered.

Where a representative resigns or a proprietor withdraws their representative's authorisation to act on their behalf after the unitary effect is registered, the subsequent procedure depends on whether the proprietor has their residence or principal place of business in an EPC contracting state.

If the proprietor has their residence or principal place of business in an EPC contracting state, the EPO will communicate directly with them in the absence of a new appointment.

Where the proprietor does not have their residence or principal place of business in an EPC contracting state and no (new) representative is appointed, the EPO will confirm this to the proprietor and invite them to appoint a representative. Where there are multiple proprietors, the invitation is sent to all of them unless there is a common representative (see Rule 20(2)(I) UPR in conjunction with Rule 151 EPC). The proprietors are not entitled to take any procedural steps other than paying renewal fees until the deficiency is remedied.

Changes made after the registration of the unitary effect are recorded in the UP Register (see 8.8.3).

Representatives can notify the EPO via MyEPO of representation changes or their withdrawal from representation in respect of one or more Unitary Patents for which they were appointed (see the decision of the President of the EPO dated 9 February 2024 (OJ EPO 2024, A20)).

## **8.3. Signature of documents**

### **8.3.1. Signature of the request for unitary effect**

The request for unitary effect must be duly signed. It may be signed by the proprietor, provided that their residence or principal place of business is in an EPC contracting state. Where the request is signed on behalf of a legal person, the signatory's position within that legal entity must also be indicated. The request may also be signed by the representative if one has been appointed (see 2.2.5).

If there is more than one proprietor, each proprietor or their appointed representative must sign the request for unitary effect and, where

applicable, the appointment of the common representative. This also applies if one of the proprietors is deemed the common representative (see 2.2.5).

### **8.3.2. Signature of other documents**

With the exception of annexes, any document filed after the request for unitary effect must be duly signed. The signatory's name and position must be clear from the signature. If the signature is missing on a document, the UPP Division will invite the party concerned to correct the deficiency within a time limit to be specified by the EPO. If signed in due time, the document retains its original date of receipt; otherwise, it is deemed not to have been received (Rule 20(2) UPR in conjunction with Rule 50(3) EPC).

EPO Form 7038 is available in Online Filing 2.0 (see 8.1.2) and can be downloaded in PDF from the EPO website (*epo.org*) for use as the letter accompanying subsequently filed documents.

### **8.3.3. Form of signature**

If documents are filed using Online Filing 2.0 or the EPO Contingency Upload Service, the signature may take the form of a facsimile signature or a text-string signature.

Submissions made in MyEPO require a signature in the form of a text-string signature (see the decision of the president of the EPO dated 9 February 2024 (OJ EPO 2024, A20)). Currently, only those documents specified in the notice from the EPO dated 9 February 2024 (OJ EPO 2024, A21) or in another suitable form may be filed using this service.

Handwritten signatures are accepted if a document is filed on paper.

For signature requirements on authorisations, see 8.2.4.

For the signature requirements on assignment documents and licence contracts applicable to contracts and declarations filed with requests for registration of licences and other rights in Unitary Patent proceedings, see 7 and the decision of the President dated 9 February 2024 and the notice from the EPO of the same date (OJ EPO 2024, A18 and A22).

For more details about the types of signatures that are accepted, see EPC Guidelines, A-VIII, 3.3.

## **8.4. Languages**

The official languages of the EPO are English, French and German (Rule 20(1) UPR in conjunction with Art. 14(1) EPC). While parties may use any of the EPO's official languages in written proceedings before the EPO (Rule 20(2)(a) UPR in conjunction with Rule 3(1), first sentence, EPC), the request for unitary effect itself must be filed in the language of the proceedings (Rule 6(2) UPR). In the context of

Unitary Patent proceedings, the "language of the proceedings" refers to the official language chosen (English, French or German) for patent prosecution at the EPO (Rule 20(1) UPR in conjunction with Art. 14(3) EPC).

The EPC provisions that allow documents to be filed in an admissible non-EPO language do not apply in Unitary Patent proceedings (Art. 14(4) EPC; Rule 3(1), second sentence, EPC; Rule 6(2) EPC; see EPC Guidelines, A-VII, 3.2). Therefore, a Unitary Patent proprietor may not, for example, file a request for re-establishment of rights pursuant to Rule 22 UPR in an admissible non-EPO language and then file its translation within a month.

## **8.5. Notification**

Communications issued by the EPO in Unitary Patent proceedings are subject to the same notification rules as those applicable in European patent proceedings (see Rule 20(2)(f) UPR in conjunction with Rules 125 to 130 EPC and EPC Guidelines, E-II, 2). These rules have a particular relevance for the notification of the registration of the unitary effect by the EPO (see 3.14.2).

## **8.6. Time limits**

### **8.6.1. Determination of time limits**

Most EPC provisions governing the calculation of time limits, such as Art. 120 EPC, Rules 131, 133(1) (provided that the document referred to in that provision has been received no later than one month after expiry of the period) and 134 EPC, apply to Unitary Patent proceedings (Rule 20(2)(g) UPR).

However, some periods differ from those provided for in the EPC. These were modified to keep the overall duration of the procedure for requesting unitary effect reasonably short, in line with Regulation (EU) No 1257/2012. *Rule 20(4) UPR provides a legal basis, allowing the UPP Division to set such periods between one and four months. As such, a specified period may be neither less than one month nor more than four months. As a rule, a period related to the request for unitary effect will be set to one month; for other communications, two months.* Further processing (i.e. as under Rule 135 EPC) does not apply to periods specified by the UPP Division.

Once a period specified by the UPP Division under Rule 20(4) UPR is set, it cannot be extended, i.e. the rule does not provide for an equivalent to Rule 132(2), last sentence, EPC.

### **8.6.2. Failure to observe a time limit**

Where the time limit for filing a request for unitary effect is missed, see 2.4. For available legal remedies within the UP proceedings, see 8.9.3. For possible fallback options under national law (national safety nets), see 2.6 and the National measures relating to the Unitary Patent.

Re-establishment of rights may be available where the non-observance of a time limit is the direct cause of either the lapse of the Unitary Patent under Rule 14(1)(b) UPR or a loss of any other right or legal remedies. For details, see 5.

Where a time limit is missed to rectify a deficiency in a request for registration of licences and other rights, the UPP Division will reject the request (see 7.5.3).

## **8.7. Oral proceedings**

Oral proceedings may take place either at the instance of the UPP Division, if deemed expedient, or at the request of any party to the proceedings (Rule 21(1) UPR).

However, oral proceedings in the procedure concerning the request for unitary effect can only be held at the request of the proprietor if the UPP Division considers it expedient (Rule 21(2) UPR). In this context, procedures for re-establishment of rights are not considered part of the procedure concerning the request for unitary effect.

Oral proceedings before the UPP Division are not open to the public (Rule 21(3) UPR).

## **8.8. Publications and file inspection**

### **8.8.1. UP Register**

The EPO is responsible for the administration of the UP Register (Art. 9(1)(b) Regulation (EU) No 1257/2012 and Rule 1(1) UPR).

The UP Register can be consulted as an integral but special part of the European Patent Register kept by the EPO under Art. 127 EPC (Rule 15 UPR, EPC Guidelines, A-XI, 4).

### **8.8.2. Content of the UP Register**

The UP Register contains all particulars referred to in Rule 16(1) UPR for European patents for which unitary effect is requested, in particular the fact that unitary effect has been registered and the date of that registration, as well as any limitation, licence, transfer, revocation or lapse of a Unitary Patent (see also Art. 9(1) Regulation (EU) No 1257/2012 and Rule 1(1) UPR).

The UP Register can be accessed free of charge via the EPO website (*epo.org*). See also 8.8.6.

### **8.8.3. Recording changes in the UP Register**

Changes to proprietor entries are recorded in the UP Register by the UPP Division if unitary effect has been registered (see also 8.2.5). The registration of a transfer is also entered in the UP Register (see 7.2). For changes of inventor data, see 7.

If the publication of the European patent is corrected, the change is visible in both the European Patent Register and the UP Register.

If the period to file an opposition (Art. 99 EPC) has expired, any change to the proprietor or, subject to the next paragraph, to the representative is recorded in the UP Register only. If the period to file an opposition has not expired or if opposition proceedings are pending, the change is recorded in both the European Patent Register and the UP Register.

Changes to the representative are recorded in the UP Register and, if the same representative is appointed for EP proceedings and the change affects those proceedings, in the European Patent Register.

#### **8.8.4. European Patent Bulletin**

The European Patent Bulletin referred to in Art. 129(a) EPC contains, in a special part, the particulars of Unitary Patents (Rule 17(1) UPR).

#### **8.8.5. Official Journal of the EPO**

All provisions relating to Unitary Patents, for example notices, decisions and information of a general character, are published in the Official Journal of the EPO (Rule 17(2) UPR).

#### **8.8.6. File inspection and communication of information**

The UP Register provides information relating to Unitary Patents and can be found in a dedicated section of the European Patent Register under UP Patent. The files relating to Unitary Patents are available for online inspection in the UP All documents panel view.

On request, the EPO will issue certified copies of documents from the files of Unitary Patents (e.g. an extract from the UP Register), provided that the conditions for file inspection (Rule 20(1) UPR in conjunction with Art. 128(1) to (4) EPC) are fulfilled and, where applicable, an administrative fee has been paid. The request is free of charge if made using MyEPO (see EPC Guidelines, A-XI, 5 and OJ EPO 2024, A5).

In exceptional cases, and only if accompanied by a substantiated request, the EPO will issue uncertified copies of files or uncertified extracts from the UP Register. No fee is due for this service (see EPC Guidelines, A-XI, 2.2).

#### **8.8.7. Certificate and identifier for unitary patent protection**

No additional documents are published in respect of a Unitary Patent. A certificate is sent to the Unitary Patent proprietor once unitary effect has been registered.

In the UP Register (see 8.8.1), a blue icon and a "C0" marker next to the publication number signals those patents for which unitary effect has been requested or registered. The "C0" marker also makes them

easy to identify in the EPO's patent information products and services such as Espacenet and the Global Patent Index. For further information, see the EPO website (epo.org).

## **8.9. Legal remedies**

### **8.9.1. Actions against decisions of the UPP Division**

Actions against decisions of the UPP Division may be brought before the UPC (Rule 23 UPR; Section 6, Chapter 1, RoP UPC).

An action to annul or alter a decision of the UPP Division, other than a decision rejecting a request for unitary effect, must be lodged with the Registry of the UPC in the language of the proceedings within two months of service of the decision (Rule 88(1) RoP UPC).

More information can be found on the UPC website at [unified-patent-court.org](http://unified-patent-court.org).

### **8.9.2. Interlocutory revision**

Interlocutory revision is only available where the UPC finds admissible an application to annul or alter a decision by the UPP Division (Rule 24 UPR; Rule 90(d) RoP UPC).

If the UPP Division finds the application to annul or alter its decision to be well-founded, it will rectify the decision in accordance with the order or remedy sought by the claimant and inform the UPC of the rectification within two months of the date of receipt of the application (Rule 24 UPR; Rule 91 RoP UPC).

If the UPP Division does not find the application to annul or alter its decision to be well-founded, the action will be pursued under Rule 92 RoP UPC.

### **8.9.3. Action against a decision to reject a request for unitary effect.**

If the UPP Division rejects a request for unitary effect, any application to reverse its decision must be lodged with the Registry of the UPC, in the language of the proceedings, within three weeks of service of the decision (Rule 97 RoP UPC).

Interlocutory revision is not available for an application to reverse a decision to reject a request for unitary effect (Rule 85(2) RoP UPC; see also [UPC\\_CoA\\_796/2025](#), point 17 of the Reasons).

## 9. Alphabetical Keyword Index

### 9.1. A

Abbreviations 1.2.2

#### Accounts

Arrangements for deposit accounts 1.2.2; 3.1

Deposit account(s) 3.1; 3.3; 3.6; 4.3.2

EPO bank account 3.3

#### Additional

Additional fee(s) for late payment of a renewal fee 3.2; 3.10; 3.11; 3.14.1; 5.1

Additional fee composed of the compensation amount paid and an administrative fee (amounting to 50% of the compensation amount) 4.3.4

Additional participating Member State(s) 1.5.2

Additional period under Rule 13(3) UPR 3.11

Additional six-month period for paying renewal fees 3.9; 3.10; 3.14.1; 3.14.2

#### Administrative fees

Administrative fee where compensation for translation costs was based on a false declaration 3.2; 4.3.4; 5.1

Administrative fee for registration of a transfer 7.2

Administrative fee for registration of licences and other rights 7.4.1

Administrative fee for cancellation of a registration of licences or other rights 7.4.2

Administrative fee for filing a statement on licences of right 7.5.1

Administrative fee for file inspection and issue of certified copies from files of Unitary Patents 8.8.6

Admissibility of a request for re-establishment of rights 5.2

## Admissible

Admissible means of payment 3.3

Admissible evidence as proof of a transfer 7.2

Admissible request for re-establishment of rights 5.2

Admissible request to record an exclusive licence 7.4.1

Admissible non-EPO language 8.4

Allowability of a request for re-establishment of rights 5.3

## Amount

Amount of fees and expenses 3.1; 3.2

Compensation amount 4; 4.3.1; 4.3.3; 5.1

Applicant(s) 2.2.6; 2.6; 4.1.2

Initial applicant(s) 4.1.1; 4.1.2; 4.1.3; 4.3.2; 4.3.3;

Joint applicants 2.2.6

Original applicant 2.2.6

## Application

Application of the due care criteria in request for re-establishment of rights 5.3

Application to annul or alter a decision by the UPP Division 8.9.2

European patent application(s) 1.3

Date of filing of the European patent application 2.1; 2.2.6; 3.7; 3.8

Existing refund instructions for European patent application 3.3; 3.6

Transfer of the European patent application 4.1.3

Filing language of the European patent application to qualify for the compensation scheme 4.1.4

Associations 8.2.1

Authorisations 2.2.5; 8.2.4

**9.2. B**

## Boards of Appeal 1.3

Due consideration given to the case law of the Boards of Appeal 1.3.4

Assessment of the admissibility and allowability of a request for re-establishment of rights based on the case law of the Boards of Appeal 5.2

**9.3. C**

## Calculation of time limits 3.8; 8.6.1

Calculation of the six-month period for payment of a renewal fee with an additional fee under Rule 13(3) UPR 3.10; 3.11

## Cancellation of licenses and other rights 7.4.2

## Certificate of registration of unitary effect 8.8.7

## Changes

Change of representation 8.2.5; 8.8.3

Change(s) of inventor data in the UP Register 7.7; 8.8.3

Change(s) of name 7.3

Changes to the particulars of the proprietor(s) 7.1; 8.8.3

Recording changes in the UP Register 8.8.3

## Common representative 2.2.2; 8.2.3; 8.3.1

Deemed common representative 8.2.4

## Communication

Communication confirming the withdrawal of the request for unitary effect 2.7

Communication of loss of rights 3.11; 5.1; 6.1

Communication of the intention to reject the request for re-establishment 5.4

## Communication of information 8.8.6

## Compensation

Compensation scheme 4

Consequences of false declaration 4.3.3; 4.3.4

Eligibility requirement for compensation 4.1

Examination of the request for compensation 4.3

Filing of the request for compensation 4.2

Lump-sum payment handling as refund 4.3.1

Processing of the request for compensation 4.3

Rejection of the request for compensation 4.3.2

Request for compensation based on a false declaration 4.3.3

Withdrawal of the request for compensation 4.3.4

Content of the UP Register 8.8.2

Correction of the translation 2.2.7

## Criteria

Eligibility criteria for compensation 4.1.3

Due care criteria for re-establishment of rights 5.3

Currency 3.3

**9.4. D**

## Date

Date of entry into force of the UPCA 1.3.1

Date of interruption of proceedings 6.1

Date of publication of the mention of the grant of the European patent 2.2; 2.5; 3.7; 4.2

Date of registration of unitary effect 2.5; 8.8.2

Date of resumption of proceedings 6.1

Date of stay of proceedings 6.2

## Decisions

Actions against a decision of the UPP Division 1.4; 2.6; 3.11;  
4.3.2; 8.9.1; 8.9.3

Decisions of the President of the EPO 1.3.4

Decisions (Orders) of the UPC 1.4

Decisions on re-establishment of rights 5.4

Decision to reject the request for compensation 4.3.2; 4.3.3

Decision to reject the request for unitary effect 2.6

Request for a decision under Rule 122(3) EPC in the event of  
a loss of rights 3.11

Declaration of eligibility for compensation, filed under Rule 9(2) UPR  
4.2; 4.3.3

## Deficiencies

Deficiencies in a request for the registration of licences and  
other rights, or the cancelation thereof 7.4.3

Deficiencies in a statement on licences of right, or the  
withdrawal thereof 7.5.3

Deficiencies in the request for unitary effect 2.4; 5.1

Deficiencies in the request for compensation 4.3.2

Delay of registration of unitary effect in view of new participating  
Member State accession 1.5.2

Deposit account 3.1; 3.3; 3.6; 4.3.1

Determination of time limits 8.6.1

Due care 5; 5.2.4; 5.3

## Due date

Due date for the payment of fees 3.4

Due date for renewal fees 3.8; 3.9

Due date for the payment of the renewal fee falling between  
the grant of the European patent and the notification of the  
registration of unitary effect 3.14.2

Due date for the payment of the renewal fee and additional  
fee under Rule 13(3) UPR 3.10; 3.11

Duties entrusted to the EPO 1.6

## 9.5. E

Early request for unitary effect 2.2.1

### Electronic

Electronic acknowledgement of receipt of a request for unitary effect 2.3.2

Electronically processible format (XML), refund instructions 3.6

Electronically filed, subsequent documents 8.1.2

Electronically filed, authorisations 8.2.4

Electronic signature 8.3.3

### Employee

Employee entitled to sign the request for unitary effect 2.2.5

Employee entitled to act as representative 8.2.2

### Entitlement

Entitlement to act as representative 8.2.1, 8.2.4

Entitlement to file a request for re-establishment of rights 5.2.1

Entitlement to file a request for unitary effect 2.2.2

Entitlement to sign a request for unitary effect 2.2.5

Entitlement of the common representative to act for all proprietors 2.2.2

European Patent Bulletin 8.8.4

### Evidence

Evidence, compensation scheme 4.3

Evidence, re-establishment of rights 5

Evidence, transfer of the Unitary Patent 7.2

Evidence, changes of names 7.3

Examination of the request for compensation 4.3

Exceptional circumstances, re-establishment of rights 5.3

## 9.6. F

### Failure

Failure to observe a time limit 8.6.2 ; 5

Failure to pay the renewal fee 3.7; 3.8; 3.9

Failure to pay the renewal fee within the additional six-month period 3.10; 3.11

Failure to rectify a deficiency 2.4; 2.6; 7.4; 7.5

Failure to repay the compensation amount and administrative fee 4.3

### Fees 3

Rules relating to Fees for Unitary Patent Protection 1.3.3

Unitary Patent fees 3.2

Due dates for payment of fees 3.4

Reduction 3.5

Refund 3.6

Renewal fees 3.7

Renewal fees for a Unitary Patent after receipt of a statement on licences of right 7.5

File inspection 8.8; 8.8.6

### Filing

Filing language requirement 4.1.4

Filing options 2.3.1; 8.1.2

Filing the request for unitary effect 2.2; 2.3; 8.1

Filing requirements 8.1

Filing the request for compensation 4.2

Filing a request for re-establishment of rights 5

Filing subsequent documents 8.1.2

Filing requirements for authorisations 8.2.4

Final decision 2.6; 4.3; 5.4

### Form

Form of the request for unitary effect 2.2.1

Form of the request for re-establishment of rights 5.2.3

Form of signature 8.3.3

#### Formal requirement(s)

Formal requirements for the request for unitary effect 2.4; 2.5

Formal requirements for the request for compensation 4.1;  
4.2; 4.3

Formal requirements for the request for re-establishment of  
rights 5.2

Formal requirements for requesting a transfer 7.2

Formal requirements for signatures 8.3

Formal requirements for authorisation 8.2.4

### **9.7. G**

Generation 1.5.2

General authorisations 8.2.4

#### Grant

Grant of the European patent 2

Grant of the request for unitary effect (registration of the  
unitary effect) 2.5

Grant of the request for compensation 4.3.1

Grant of the request for re-establishment of rights 5.4

#### Grounds

Statement of grounds 5.2; 5.3

### **9.8. I**

Identifier, UP Register 8.8.7

Indication (voluntary) of a place of business of the original applicant  
on the date of filing of the European patent application 2.2.6

Individual authorisation (special) 8.2.4

#### Information

Communication of information 8.8.6

Mandatory information to be provided in the request for unitary effect 2.2.3

Inspection of files

File inspection 8.8.6

Insufficient evidence

Insufficient evidence to confirm the eligibility of the requestor of compensation 4.3.2

Insufficient evidence for the registration of a licence or other right 7.4.3

Interlocutory revision 8.9.2

Interpretation

Interpretation of the relevant legislation 1.3

Interruption

Date of interruption 6.1

Interruption of proceedings 6.1

Responsible department 6.1

Resumption of proceedings 6.1

Stay of proceedings 6.2

Inventor data

Changes of inventor data in the UP Register 7.7

Invitation

Invitation to appoint a representative 8.2.1

Invitation to claim a refund 3.6

Invitation to correct a deficiency 2.4

Invitation to file a translation 2.2.7

Invitation to file comments 2.4; 4.3.3; 5.4

Issue of certified copies 8.8.6

## **9.9. J**

Joint proprietors 2.2.2

## 9.10. L

### Language

Language of the request for unitary effect 2.2.1; 2.2.4

Language of the translation 2.2.7

Language of the European or Euro-PCT patent application, compensation scheme 4; 4.1.4; 4.3.3

Language of written evidence for proof of transfer 7.2

Languages 8.4

### Lapse

Lapse of the Unitary Patent for non-payment of renewal fees 3.12

Lapse of the Unitary Patent for non-repayment of compensation and admin fee 4.3.4

### Late

Late payment of renewal fees 3.10; 3.11; 3.12

Late-filed request for unitary effect 2.4; 2.6; 5.1

### Legal

Legal framework 1.3

Legal practitioners 2.2.2; 2.2.5; 8.2.1

Legal remedies 2.6; 8.9

Legally qualified member 1.6

### Licences

Licences and other rights 7.4

Statement on licences of right 7.5

List of professional representatives 8.2.1

### Loss of rights

Missing payment of renewal fees 3.10; 3.11

Re-establishment of rights 5

**9.11. M**

Method of payment and currency 3.3

Missing

Missing payment of renewal fees 3.11

Missing translation 2.4

Missing designation 2.1; 2.4

Multiple proprietors 2.2.2; 2.2.3; 4.1.3; 8.2.3

**9.12. N**

Notification 8.5

Notification of the registration of unitary effect 2.5

Notification of a loss of rights 3.11; 3.12

**9.13. O**

Official language

Official language of the EPO 2.2.7; 4; 8.4

Official language of the European Union 4

Omitted act 5.2

Organisations

Non-profit organisations 4.1

Universities and public research organisations 4.1

**9.14. P**

Participating Member States 1.3.1; 1.5; 2.1; 2.2.2;

Additional participating Member State 1.5.2

Particulars

Particulars of the proprietor 2.2.3; 8.8.2

Particulars of the representative 2.2.3; 8.8.2

Particulars of Unitary Patents 8.8.2

Changes to particulars of the proprietor 7.1

#### Payment

Due date for payments 3.4; 3.8; 3.9; 3.14

Methods of payment 3.3

#### Period(s)

Period for requesting unitary effect 2.2.1

Period for requesting re-establishment of rights 5.1; 5.2.2

Three-month safety period under Rule 13(4) UPR 3.14.2

#### Person(s)

Persons entitled to file a request for unitary effect 2.2.2

Persons entitled to sign the request for unitary effect 2.2.5

Preliminary remarks 1.1

Procedure for requesting unitary effect 2

14th package of EU sanctions against Russia 2.1

#### Proceedings

Interruption of proceedings 6.1

Language of the proceedings 2.2.4; 2.2.7; 8.4

Proceedings before the Unitary Patent Protection Division 8

Resumption of proceedings 5.1

Stay of proceedings 6.2

#### Proprietor

Eligibility for unitary effect 2.1

Eligibility for compensation 4.1

Representation 8.2

Publications 8.8

## **9.15. R**

## Reduction of fees 3.5

## Re-establishment of rights 5

- Admissibility of the request 5.2

- Allowability of the request 5.3

- Decision on re-establishment of rights 5.4

- Re-establishment of rights in respect of the period for requesting unitary effect 2.2.1; 2.4; 5.1; 5.2; 5.3

- Time limits for requesting re-establishment of rights 5.2.2

## Refund of fees 3.6

## Registers

- Register for unitary patent protection 8.8.1; 8.8.2; 8.8.3

## Regulations (EU) 1.3.1

## Rejection

- Rejection of the request for unitary effect 2.6; 8.9

- Rejection of the request for compensation 4.3.2; 8.9

- Rejection of the request for re-establishment of rights 5.2; 5.3; 5.4; 8.9

## Renewal fees 3.7

- Available remedies for missing payment of renewal fees 3.11; 5.1

- Due date for renewal fees 3.8; 3.14.1; 3.14.2

- Early payment of renewal fees 3.9

- Special features relating to renewal fees 3.14

- Renewal fee falling due after re-establishment of rights or re-opening of proceedings 3.12

## Remedies

- Legal remedies 8.9

## Reminder to pay the renewal fee with the additional fee 3.14.2

## Representation 8.2

Associations 8.2.1

Authorisations 8.2.4

Change of representation 8.2.5

Common representative 8.2.3

Representation by an employee 8.2.2

Representation by a legal professional 8.2.1

Representation by a professional representative 8.2.2

Signature of documents 8.3

## Representatives

Appointment of representatives 8.2.1

Authorisations 8.2.4

Change of representative 8.2.5

Common representatives 8.2.3

Signature of the request for unitary effect 8.3.1

## Request

Request for unitary effect 2

Request for compensation 4

Request for re-establishment of rights 5

## Requirement

Requirements for requesting unitary effect 2.1; 2.2

Eligibility requirements for compensation 4.1

Filing language requirements for compensation 4.1.4

## Resumption of proceedings 6.1

## Rights (in rem, etc.)

Re-establishment of rights 5

Licences and other rights 7.4

Transfer of rights 7.2

## Rules relating to Unitary Patent Protection (UPR) 1.3.2

## Rules relating to Fees for Unitary Patent Protection (RFeesUPP) 1.3.3

**9.16. S**

## Sanctions

EU Sanctions 2.1

Safety period under Rule 13(4) UPR 3.14.1

## Scope

Territorial scope of Unitary Patents 1.5

## Signature

Signature of the request for unitary effect 8.3.1

Signature of other documents 8.3.2

Form of signature 8.3.3

Entitlement to sign 2.2.5; 8.3

Small and medium-sized enterprises 4.1.2; 4.3.2; 4.3.3

Special authorisation (individual) 8.2.4

Special features relating to renewal fees 3.14

Stay of registration proceedings 6.2

Submission filed electronically 8.1.2

Statement on licences of right 7.5

Filing and registration of a statement on licences of right 7.5.1;  
7.5.3

Withdrawal of a statement on licences of right 7.5.2

**9.17. T**

Time limit(s) 8.6

Time limit for filing the request for unitary effect 2.2.1

Time limits for filing the request for compensation 4.2.1

Time limit for request re-establishment of rights 5.2.2

Determination of time limits 8.6.1

Failure to observe time limits 8.6.2

**Transfer(s) 7.2**

Transfer of the European patent during the grant procedure  
4.1.3

Transfer of the Unitary Patent 7.2

**Translation 2.2.7**

Compensation for translation costs 4

**9.18. U****Unitary effect**

Eligibility criteria for unitary effect 2.1

Entitlement to file a request for unitary effect 2.2.2

Examination of the request for unitary effect 2.4

Filing the request for unitary effect 2.3

Registration of the request for unitary effect 2.5

Rejection of the request for unitary effect 2.6

Request for unitary effect 2

Requirements for the request for unitary effect 2.1; 2.2;

Withdrawal of the request for unitary effect 2.7

Unitary Patent Licensing the Unitary Patent 7.4; 7.5

Renewal fees due for Unitary Patents 3.7

Scope (territorial) of Unitary Patents 1.5

Transfer of the Unitary Patent 7.2

Unitary Patent generation 1.5.2

Unitary patent protection

Register for unitary patent protection 8.8.1; 8.8.2

Rules relating to Unitary Patent Protection (UPR) 1.3.2

Rules relating to Fees for Unitary Patent Protection (RFeesUPP) 1.3.3

Unitary Patent Protection Division (UPP Division) 1.6

Unified Patent Court (UPC) 1.4

Actions against decisions of the UPP Division 1.4; 2.6; 3.11;  
4.3.2; 5.4; 8.9.1; 8.9.3

Actions against decisions to reject the request for unitary effect 8.9.3

## **9.19. V**

Voluntary indication of a place of business of the original applicant on the date of filing of the European patent application 2.2.6

## **9.20. W**

Withdrawal

Withdrawal of the request for unitary effect 2.7

Withdrawal of the request for compensation 4.3.4

Withdrawal of the statement on licences of right 7.5.2