

EIP

Unitary Patent Court: A Strategic Roadmap

What is the UPC?

The UPC is a new pan-European court which opened for business on 1 June 2023. It adjudicates disputes relating to European patents (unless they have been opted out), including unitary patents. Instead of litigating country-by-country, a European patent holder (whether the European patent is a unitary patent or not) can get a single judgment effective in potentially all UPC participating member states, making enforcement broader and potentially more efficient.

Your claim

Infringement, revocation and a declaration of non-infringement actions are the three predominant types of claim that one might experience at the UPC. We summarise the general progression of these types of claim in this timeline. The specific details of your claim may significantly impact the most effective approach, which could require an extended consultation.

By way of example, suppose your company holds a patent for a unique medical device and discovers that another company is selling a similar device in several European countries. You could bring an infringement action at the UPC to seek a remedy to stop the sales across all those countries with a single court decision, rather than filing separate lawsuits in each country. This would save time and money while ensuring consistent enforcement of your patent rights. The UPC aims to reach decisions quickly, typically within 12 months, which is faster than many national courts. It can also be more cost-effective than pursuing separate actions in different countries. Additionally, the UPC aims

to provide a harmonised approach to patent litigation, reducing the risk of inconsistent rulings across different jurisdictions.

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How we can help

Navigating the UPC can be complex, but our team is here to make it seamless for you. With our extensive experience and strategic approach, we ensure that your claims are handled efficiently and effectively.

If this overview of the UPC was of interest to you and you would like tailored advice on a claim, please contact EIP's Integrated UPC team to see what we can help with:

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