

EIP



Geographic Scope of the UPC and Unitary Patent

The grant of a European Patent allows patent rights to be obtained in respect of over 35 states by means of the respective validation procedures for those states. These include EU member states and non-EU states.

The scope of the UPC and a Unitary Patent corresponds to a subset of those EU member states. Currently, these are:

- Austria (AT)*
- Belgium (BE)*
- Bulgaria (BG)
- Denmark (DK)*
- Estonia (EE)*
- Finland (FI)*
- France (FR)* _ UPC Central Division (Paris)
- Germany (DE)* _ UPC Central Division (Munich)
- Italy (IT)* _ UPC Central Division (Milan)
- Latvia (LV)*
- Lithuania (LT)*
- Luxembourg (LU) _ UPC Court of Appeal
- Malta (MT)
- Netherlands (NL)*
- Portugal (PL)*
- Romania (with effect from 1 September 2024)
- Slovenia (SI)*
- Sweden (SE)*

* location of Local/Regional Divisions of the UPC

p2

This geographic scope may vary over time as more states participate.

For a granted EP patent which is in force in any of the above states and which has not been opted out, an action (e.g. infringement or revocation) in **the UPC** will be effective in respect of those states.

Proceedings for infringement in another state or for revocation of the national patent of any other state must be brought in the respective national court.

In the first nine months after grant, the **EPO Opposition** procedure provides a mechanism for centralised revocation for the entire bundle of all national patents (including those within the scope of the UPC) and any unitary patent resulting from a single granted EP patent.

For EP patents for which a **Unitary Patent** has been requested, the resulting Unitary Patent will cover the states which have ratified the agreement at the patent grant date. For example, a Unitary Patent obtained from an EP patent granted on 1 June 2023 will cover the above states.

To obtain protection in other EPC states, such as the UK, Poland or Spain, or where a Unitary Patent has not been requested, the existing validation procedures for obtaining national patent rights (which can be enforced in the respective national courts) remain unchanged.

Additional states which may participate in the future include Cyprus, Greece, Hungary, Ireland, and Slovakia. Of these, Ireland is the most likely to participate.

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