

The Unified Patent Court: an opportunity to enforce patents all across the EU

A single court system

- **Patentees:** can seek central injunction (including PI).
- **Competitors:** can seek central revocation.
- **Effect:** in 24 countries (currently 17).
- **Costs:** Court fees, then only one set of legal costs.
- **Judges:** Specialist judges (legally and technically).

“Superfast” proceedings

- **Timing:** decision expected within 12 months (initial target).
- **Principle:** written procedure and one-day hearing.
- **Strictly supervised:** two briefs by party within a short timeframe.
- **Front-loaded:** requests, evidence and arguments to be filed in the first brief (if not, they can be disregarded).
- **Flexible:** possibility to file auxiliary requests.

Actions available before the UPC

- Action for infringement (or threat).
- Declaration of non-infringement.
- Action for injunction and provisional/protective measures.
- Action for revocation, and counterclaim for revocation.

Concurrent jurisdiction of the UPC and national courts

- The UPC will have exclusive jurisdiction over UP and classic EP patent only after the transitional period.
- During the transitional period, actions based on a classic EP patent can be brought either before the UPC or before national courts, but an action brought before a national court could lock the classic EP patent outside the UPC (and vice versa).
- During the transitional period, the patentee can lock the classic EP patent outside the UPC by opting out.

Jurisdiction inside the UPC

- Rules to determine which branch of the central division and the national/regional divisions will have jurisdiction.

Want to know more?



Marianne Schaffner
 Partner, Paris
 Attorney-at-law
 Head of European Patent Litigation
 +33 (0)6 09 98 20 67
 mschaffner@reedsmith.com

UPC structure

