It’s Official: European UPC and Unitary Patent effective June 1, 2023

The European Patent Office (EPO) announced today that it is official—the highly anticipated Unified Patent Court (UPC) and Unitary patent will go into effect on **June 1, 2023**. Germany became the 17th EU Member State to ratify the Unified Patent Court Agreement when today it deposited its instrument of ratification of the UPC-Agreement (UPCA). Although Germany has previously ratified the UPCA, it has intentionally postponed this last step to await completion of preparations in the provisional application phase.

The UPC hopes to establish a centralized forum for quicker, efficient judicial procedures involving European patents and Unitary patents, ending the need for parallel patent litigation in different EU member states and harmonizing substantive patent law regarding infringement and validity. The UPC will automatically have exclusive competence in litigation matters involving Unitary patents and European patents. Nevertheless, a seven-year transitional period will afford European patent owners a chance to opt-out of UPC jurisdiction and continue to bring cases before national courts. Some European patent owners may opt-out of the UPC to avoid risks of a centralized revocation procedure affecting their patent rights in every participating EU member state.

Moreover, a Unitary patent will allow inventors to simultaneously obtain uniform patent protection in all participating EU member states by filing a single application with the EPO. As of January 1, 2023, European patent applicants have been allowed to request unitary effect or request a delay in issuing a grant decision until the Unitary patent system takes effect. More than 2,200 European patent applicants have already taken advantage of these transitional measures. One benefit of this single registration of a Unitary patent at the EPO is to remove the sometimes costly validation procedures needed to maintain European patents in each country they take effect.

See the announcement on the EPO’s website for further information: https://www.epo.org/news-events/news/2023/20230217.html

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