



The Unified Patent Jurisdiction and the Unitary Patent finally in the starting blocks!

STANDARD EP: COMPETENCE OF NATIONAL COURTS OR UPC EXCEPT IN CASE OF OPT-OUT

STANDARD EP: EXCLUSIVE COMPETENCE OF THE UPC EXCEPT IN CASE OF OPT-OUT

OPT-OUT AVAILABLE:

- For published patent applications and European patents unless an action has already been brought before the UPC
- No possibility to opt-out a EUP



Sunrise period
Estimated duration: at least 3 months

Up to one month before the end of the transitional period

January 19, 2022
Entry into force of the PAP

Deposit of the ratification instrument of the UPC Agreement by **Germany (1)**

Entry into force of the UPC Agreement and application of the EUP Regulations

End of the transitional period

Preparatory phase
estimated duration : 8-10 months

- Appointment of judges
- Establishment of the several organs of the UPC
- Finalization of the Rules of Procedure
- Finalization of the Case Management System

3-4 months
(entry into force the 1st day of the 4th month following (1))

Transitional period of 7 years,
May be prolonged up to 7 additional years

Early request for unitary patent or request for delay to grant
Transitional measures EPO
12/22/22

Request for unitary effect possible for any granted European patent within one month of the date of mention of the publication of the grant for any granted European patent designating all the countries covered by the unitary effect with the same set of claims
» EXCLUSIVE COMPETENCE OF THE UPC (OPT-OUT not available) «

PAP: Provisional Application Protocol.
UPC: Unified Patent Court.
EUP: European Unitary Patent.
STANDARD EP: European Patent without unitary effect, as existing today.

OPT-OUT : removal of the UPC's jurisdiction during the entire life-time of the patent = exclusion of the optional competence of the UPC (during the transitional period) + exclusion of the exclusive competence of the UPC (at the end of the transitional period) – possibility to withdraw an OPT-OUT (OPT-IN), if no action brought before a national court.