European Unitary Patent – recent developments

Delegation of the European Union

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Disclaimer: The views expressed are purely those of the speaker and may not in any circumstances be interpreted as stating an official position of the European Commission or the EEAS.
European Unitary Patent: legislative history

- Efforts to create a common patent since the 1960s
- In 2000: European Commission proposed to create a Community Patent
- In 2010: European Commission made proposal for enhanced cooperation in the area of the creation of unitary patent protection
- In 2012: Legislation approved by the Council and European Parliament
- In 2013: Agreement on a Unified Patent Court was signed
European Unitary Patent: main features

- Existing tools: National Patent and "classical" European Patent

- New tool: European patent with unitary effect, with following characteristics:
  - uniform protection in participating Member States
  - one-stop shop procedure cutting costs and administrative burden
  - minimum translation requirements
  - unified and specialised jurisdiction
European Unitary Patent: entry into force

- Italy joined on 30 Sep 2015
- Necessary for entry into force: 13 ratifications of the UPC Agreement, including France, Germany and the UK
- Currently: 8 ratifications (by Austria, France, Belgium, Sweden, Denmark, Malta, Luxembourg and Portugal)
- Timing: Realistic date: 2016-17