



The Unitary Patent System – A new pillar for innovation in Europe

On 1 June this year, the Unitary Patent System entered into operation, making it the single most important development of the European patent system in the last fifty years. The new system introduced the Unitary Patent, a European patent with unitary effect across the territories of the EU member states participating in the system, and the Unified Patent Court (UPC), a new legal institution which will decide on Unitary Patents in these states. To date, 17 EU member states are party to the system. Additional EU member states are anticipated to join in the future.

The Unitary Patent system is a pivotal step forward in consolidating a barrier-free European market supporting technology transfer, investments, and confidence in Europe.

"This is an exciting moment for Europe as we strongly press ahead with the creation of a unified market for innovation and technology," says EPO President António Campinos, "The Unitary Patent system will not only simplify and strengthen the legal protection of inventions and their enforcement, but it will also foster the attractiveness of the European market for inventors and investors alike. As the system ramps up, we expect to see a 2% increase in annual trade flows and a 15% boost in foreign direct investment in high-tech sectors in members states because of this change. The Unitary Patent system will be a game changer, sending strong signals to the world that Europe remains a top spot for innovation and economic growth".

Unitary Patents, like regular European patents, are based on the European Patent Convention (EPC) and will be processed and granted in accordance with the rules and procedures of the EPC. However, they will not replace the regular European patents or national patents but provide for an additional option to the users of the patent system.

The Unitary Patent scheme will offer several additional benefits to inventors: patent owners will file a simple request with the European Patent Office immediately after the grant of their European patent. The EPO will function as a one-stop shop and free of charge for the examination of the request and the registration of the Unitary Patent. Instead of validating their patent and executing fee payments in several member states each with their own requirements, deadlines and currencies, holders of Unitary patents will be able to validate and maintain their Unitary Patents by only paying a single fee in euros to the EPO. Cost reductions will be significant, too: the cost of annual renewal fees for a Unitary Patent covering all initial 17 participating EU member states will be equivalent to the renewal fees for a European patent in the four countries most commonly validated and be lower than EUR 5,000 for the first ten years which is six times less expensive than the current system for the same number of countries during the same time period. Smaller businesses and start-ups are expected to particularly benefit from the procedural simplifications and enjoy even further cost reductions the new system offers.

The Unified Patent Court (UPC) which is based on the Agreement on a Unified Patent Court (UPCA) will be the first European civil court. It will act as a centralized body for patent litigation in Europe and will have jurisdiction inter alia in revocation and infringement actions related to both regular European patents and Unitary Patents. Its jurisprudence will generate a harmonised body of case law in Europe that will significantly enhance legal certainty and transparency of the patent system, benefitting both innovators and the public at large.

Most importantly, the Unitary Patent system is set to encourage and boost innovation and to foster Europe as the innovation hub worldwide: The 17 EU member states which are currently participating in the Unitary Patent system have an estimated combined GDP of more than 12 trillion euros (corresponding to almost 80% of the entire EU's GDP) and incorporate a population of nearly 300 million people. According to the Global Innovation Index's latest rankings, Europe, which is home to less than 10% (9.78%) of the world population, now has the largest number of innovation-leading nations of any region with 15 countries out of the top 25 countries worldwide. Europe is also home to more than a third of the world's emerging start-up ecosystems.

To learn more about the Unitary Patent system, visit: www.epo.org/unitary