

**ankara
patent**

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UP & UPC

Introduction to European Patent Portfolio
Management

&

Things to Consider



What is it?

European Patent

+

Unitary Effect

=

Unitary Patent

**UNITARY
PATENT**

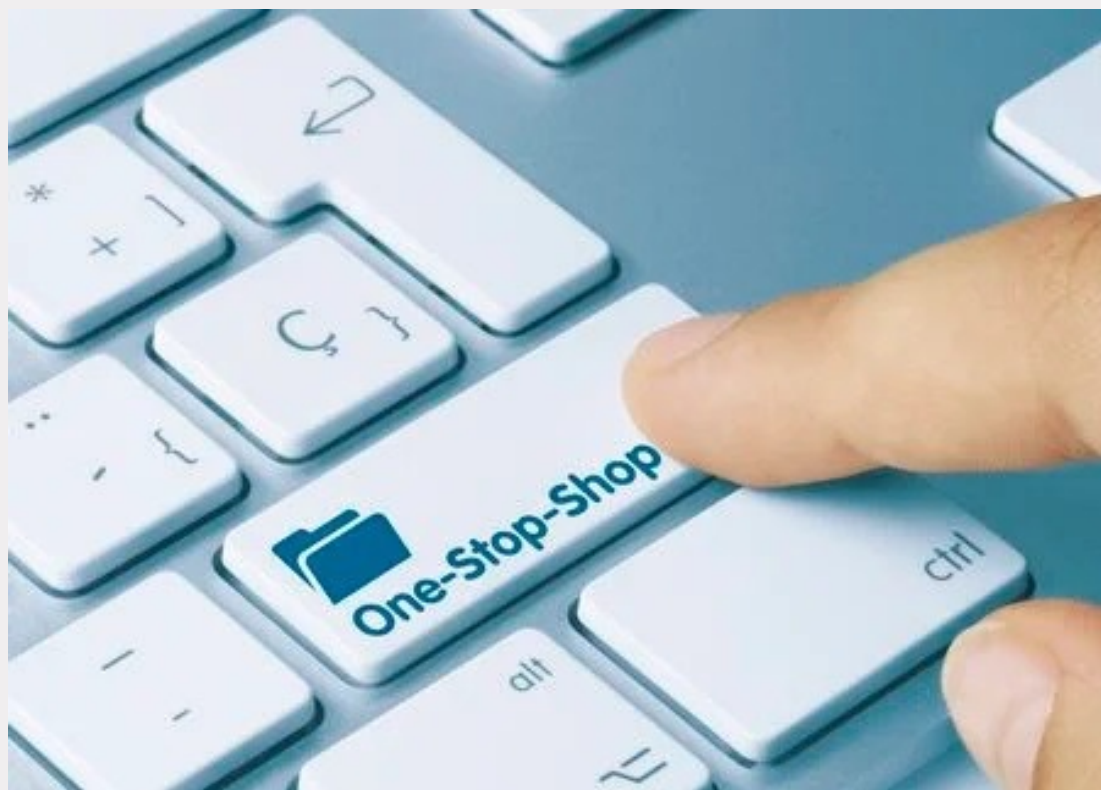


Centralized service

One-stop-shop

Simpler procedure

Cost effective



Beware

**Under certain
circumstances, UP
may not be that
cost effective.**



Translation requirement during the transitional period



Remember

Transitional period: 6 years

Translation requirements vary according to the procedural language of the European Patent.



Translation Requirements

DE/FR → Full translation of the specification into English is required.

EN → Full translation of the specification into any other official language of the European Union is required.



States in Enhanced Cooperation

Austria

Belgium

Bulgaria

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

the Netherlands

Poland

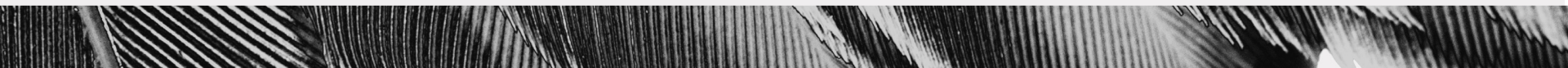
Portugal

Romania

Slovakia

Slovenia

Sweden



Current Unitary Patent States

Austria

Belgium

Bulgaria

Denmark

Estonia

Finland

France

Germany

Italy

Latvia

Lithuania

Luxembourg

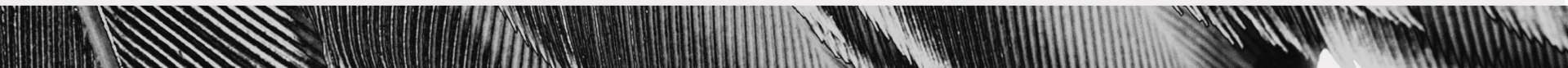
Malta

the Netherlands

Portugal

Slovenia

Sweden



Case 1

Company A

From the UK

Operates in pharmaceuticals

Procedural language: EN

Main interest in DE, BE, FR, FI, IT

Plans to maintain the patent to the end

Description: 50000 words

Claims: 30000 words

Translation cost: 10 EUR/per 100 words



Case 1

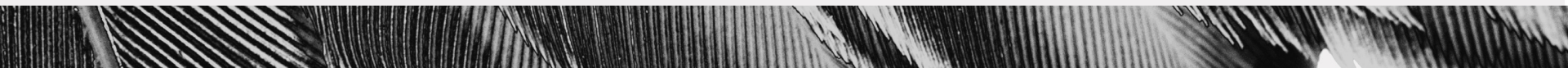
Classic EP Validation

In line with the London Agreement:

DE, BE, FR → No translation is required.

FI → Claims have to be translated in Finnish.

IT → Not a party. Both description and claims have to be translated in Italian.



Case 1

Classic EP Validation

Translation cost:

DE, BE, FR → None

FI → 3000 EUR

IT → 8000 EUR

Total: 11000 EUR



Case 1

Classic EP Validation

Renewal cost (5th-20th years):

DE → 14020 EUR

BE → 4680 EUR

FR → 5796 EUR

FI → 8400 EUR

IT → 6620 EUR

Total: 39516 EUR



Case 1

Classic EP Validation in DE, BE, FR, FI, IT

In Total:

Translation + Renewals = 50516 EUR



Case 1

Unitary Patent

Translation cost: 8000 EUR

Renewal cost (5th-20th years): 35270 EUR

In Total: 43270 EUR



Case 1

Classic EP Validation (5th-20th years)

50516 EUR

VS

Unitary Patent (5th-20th years)

43270 EUR

+

Protection in 12 more countries (*Proprietor is to decide whether it is worth it or not.*)



Case 2

Company B

From Turkiye

Operates in biotechnology

Procedural language: EN

Only interested in DE

Plans to maintain the patent to the end

Description: 9000 words

Claims: 1000 words

Translation cost: 10 EUR/per 100 words



Case 2

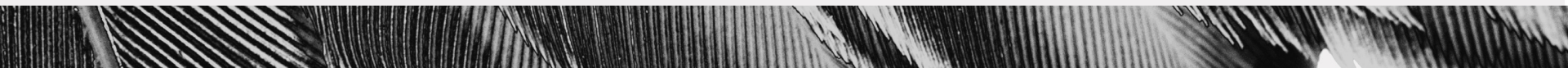
Classic EP Validation

In line with the London Agreement:

DE → No translation is required.

Renewal cost (5th-20th years): 14020 EUR

In Total: 14020 EUR



Case 2

Unitary Patent

Translation cost: 1000 EUR

Renewal cost (5th-20th years): 35270

In Total: 36270 EUR



Case 2

Classic EP Validation (5th-20th years)

14020 EUR

VS

Unitary Patent (5th-20th years)

36270 EUR

+

Protection in 16 more countries (*Proprietor is to decide whether it is worth it or not.*)



**International court
common to its
Member States.**

**Provides centralised,
simplified, quicker
and more efficient
judicial procedures.**

A stylized grid pattern consisting of blue lines of varying lengths, creating a stepped or staircase effect.

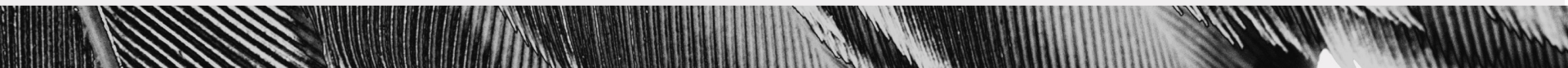
**Einheitliches
Patentgericht**

Unified Patent Court

**Juridiction unifiée
du brevet**

Legal certainty through harmonized case law

**Now that the legal proceedings will be held centrally
-not nationally-, parallel national court proceedings are
aimed to decrease.**



The UPC will have exclusive competence for the settlement of disputes in respect of both classic European patents and Unitary Patents.



«The UPC's rulings will have effect throughout the territories of those Member States that have already ratified the UPC Agreement (the contracting Member States) at the time they are issued.»

A uniform case law will be formed in patent disputes.



Opt Out

**Removing the
European Patents
from the UPC's
exclusive
jurisdiction.**



When opted out, the patent will be excluded from the UPC's jurisdiction for good unless the request for withdrawal of the opt out (opt-back-in) is filed before the UPC.



Beware

**Unitary Patents
cannot be opted
out!**



On the condition that no lawsuit is filed before the UPC, request for opt out can be made as of the sunrise period (up to 1 month before the end of the transitional period).



Beware

**Opting out will not
be available once
the transition
period is over.**



Opt In

Re-including the
European Patents
to the UPC's
exclusive
jurisdiction.

Opt In



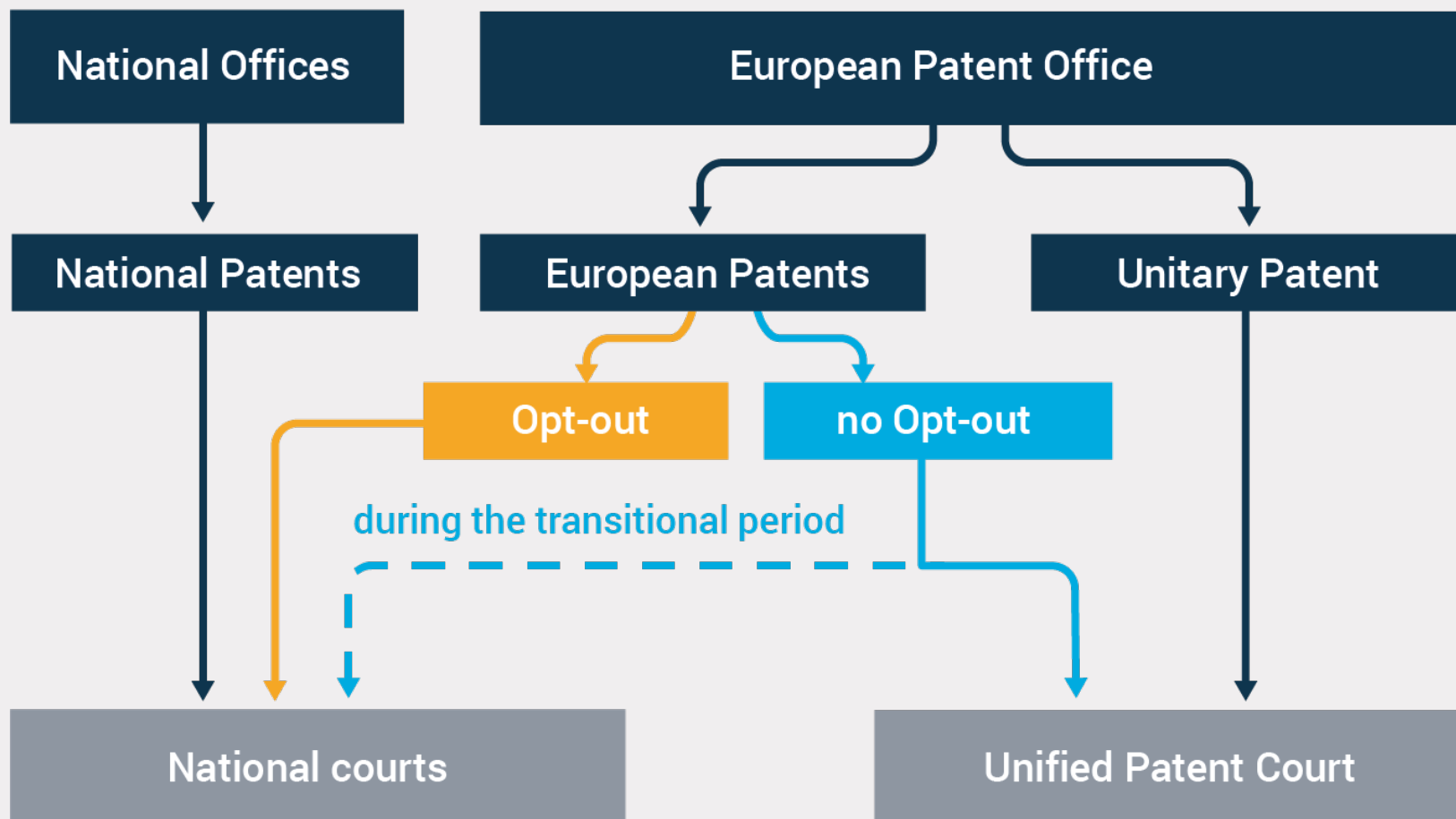
On the condition that no lawsuit is filed before a national court, request for withdrawal of opt out (request for opt-back-in) can be made any time.



Beware

**Opt out & opt in is
just for one time.**





Opt Out? Opt In?

- **Crown jewels**
- **Technology of the main business activity**
- **Strong patents**
- **Relatively less strong patents**
- **Rapidly changing technology**
- **Frequently attacked patent subjects**



What to Do?

Take action to fully understand the UP & UPC.

Evaluate the costs, advantages and the possible risks of the UP & UPC (VS classic EP validation).

Try to set up basic and/or customised strategies for your company.



What to Do?

Evaluate all the pending and patented cases.

Separate the patent families which will be opted out from those which will remain under the jurisdiction of the UPC.



What to Do?

Follow up your competitors' patents in case of bringing a lawsuit before the UPC.



What to Do?

In case of multi applicants, review the agreements (if any) and revise them if need be.

In case of licence, review the licence agreements and revise them if need be.

Do not forget to add the relevant articles to the future agreements.



Thank You