

Patent Alert IP Revolution in Europe!

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THE UNITARY PATENT PROTECTION AND THE UNIFIED PATENT COURT

After almost forty years of discussion Europe has finally arrived at the creation of a single patent protection having the same effect on the entire territory of a plurality of Europe countries. At the same time and within the same political package, a single centralized court system shall be established for deciding on infringement and validity not only of the newly created Unitary patent but also of all existing and future European patents.

The European patent system which exists since 1976 and which permits to grant European patents will now at last be achieved by a European single jurisdiction replacing the present decentralised national courts system.

The new Unitary patent will be granted by the EPO as a European patent according to the same examination and granting procedure which is provided for in the European Patent Convention. At the time of grant however only one translation of the granted patent will be required and this only during a transitional period after which no translation at all will be required to obtain the Unitary patent protection. The cost for translation will therefore be greatly reduced.

In the same way, the Unified patent court will issue a single decision for the entire territory of the contracting member states, leading to a broad cross border injunction and a determination of damages for infringement in several countries at the same time.

It is expected that both the Unitary patent protection and the Unified Patent Court could enter into force in 2014. A lot of presently pending European patent applications could therefore be granted as Unitary patents if the patentee decides to make that choice.

Concerning European patents designating individual European countries, the patentee will retain the choice, in case of infringement, between the new centralized Unified patent court system and the present decentralized National courts, at least during a transitional period of seven years.

CASALONGA has been directly involved in the establishment of those new systems.

Our litigation team including ten experienced patent lawyers and European patent litigators will be ready to represent parties before the new Unified patent court.

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