

Unitary Patent

Introduction:

The unitary patent (UP) system was introduced on June 1, 2023, to simplify the maintenance and enforcement of European patents across a significant number of European territories.

Traditional system v UP	
European patents are granted by the EPO but become a bundle of national rights, requiring validation and maintenance in each country individually. This can result in significant costs for large-scale validation projects.	Additionally, in the case of enforcement, each national right must be enforced before each local court. Historically, there was not a way to litigate a European patent across multiple European territories.
The introduction of the UP allows for a single renewal fee and centralized handling for 18 of the 39 EPC member states, thereby reducing costs and administrative burdens for European patent holders.	Germany, France, the Netherlands and Italy are all part of the UP system, although the United Kingdom is not part of the UP system.

Unitary Patent Court (UPC):

- The UPC provides a unified judicial framework for enforcing unitary patents, aiming for quicker and more cost-effective litigation. The UPC also now allows for a forum to litigate European patents at a central court across multiple EPC member states.

Opting out:

- Patent holders can opt out of the UP system for at least the first seven years of the system, up until at least 2030, and instead pursue the classical validation system for each territory individually.
- Opting out is important for those who prefer flexibility in country selection, or are concerned about the risk of a patent being revoked across multiple countries simultaneously.

Adoption:

- Around 25,000 unitary patents have been registered, with significant uptake from the medtech and digital communication sectors. This continues to grow as the UP and UPC system develops and becomes more established.
- German and US patent holders are the leading early adopters in terms of requests for unitary patents.