

THE UNIFIED PATENT COURT

22 April 2016

The Unified Patent Court (UPC) is a brand new court system for owners of European Patents and Unitary Patents (UPs). With a single judgment, the court is able to determine validity and infringement of a patent across nearly all EU member states. Gowling WLG's award winning patent litigation team draws on its extensive experience patent litigation in the UK, Germany, France and beyond to provide clients with comprehensive guidance as to the opportunities and challenges presented by this new court system.

The UPC is a new international court for resolving patent disputes in Europe established by an international agreement (the Agreement on a Unified Patent Court, or "UPCA"). It is comprised of local divisions hosted by various participating member states of the EU, and a central division hosted in London, Munich and Paris. The judiciary will be drawn from across the EU, including experienced patent judges from the UK, Germany and France.

The Court's judgments will be binding across nearly all EU member states (with the exception of Spain, Poland and Croatia). It will decide issues including infringement and validity in relation to:

- All existing European Patents (EPs) validated in participating member states which have not been opted out of the system. EPs can be opted out during the first seven years of UPC. See Gowling WLG's comments and guidance regarding opting out of the UPC.
- Unitary Patents (UPs), which are EP applications for which the owner has requested unitary effect upon grant. UPs are likely to be available from early 2017, but applicants should ensure their patent filing strategy takes these into account now. See Gowling WLG's explanation of Unitary Patents.

The UPC is a step into the unknown for patent litigation in Europe. It is expected to become operational by early 2017, although there is much for companies to do to prepare before then. Gowling WLG's patent lawyers are ideally placed to advise on the

opportunities and risks presented by the court:

- **Innovation:** The development and interpretation of the rules of the [UPC](#) will require innovative lawyers who are prepared to think outside the box. In 2012, Gowling WLG's innovative approach culminated in the UK Supreme Court reversing more than 100 years of established UK patent law.
- **Expertise:** The Gowling WLG team includes lawyers with technical qualifications in subjects including chemistry, mathematics and biological sciences. The team also includes solicitor-advocates practised in the art of advocacy.
- **Experience:** The team has over 20 years of patent litigation before the national courts of the UK and Germany;
- **Location:** Gowling WLG has offices located in each of the cities hosting sections of the Central Division of the [UPC](#), [London](#), [Munich](#) and [Paris](#).
- **Single Team:** Gowling WLG's single team approach ensures clients benefit from the combined wisdom of lawyers experienced in English, French and German law. The team is accustomed to working closely with clients and patent attorneys to deliver the best results for clients.

[The Unified Patent Court - FAQs](#)

[The Unitary Patent](#)

[Key documents & legislation](#)

[Commentary & guidance](#)

For further information on the [UPC](#) or advice and guidance as to how to prepare for it coming into force in 2017, please speak to [Nick Cunningham](#), [Michael Carter](#) or another member of our patent team.

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