

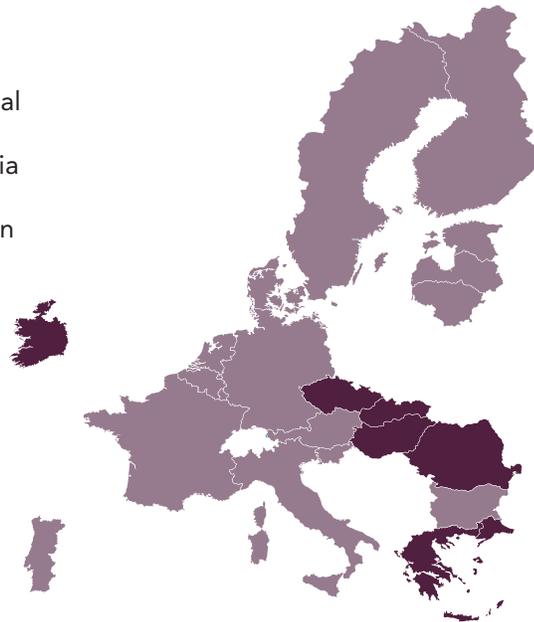


Unified Patent Court (UPC)

The start of the UPC is imminent - What do licensees need to know now?

Where will it take place?

- | | | |
|----------|-------------|----------|
| Austria | Germany | Portugal |
| Belgium | Italy | Slovenia |
| Bulgaria | Latvia | Sweden |
| Denmark | Lithuania | |
| Estonia | Luxembourg | |
| Finland | Malta | |
| France | Netherlands | |



- Ratifiers of the Agreement on a Unified Patent Court
- Signatories of the Agreement on a Unified Patent Court

*Germany has ratified the agreement but will delay depositing its formal ratification until the preparations for the establishment of the Unified Patent Court are complete.

UPC - What comes next?



Deposit of German instrument of ratification



Sunrise period (expected to start 1 March 2023)



Court opens (expected 1 June 2023)

What if you are a licensee?



Licensee cannot opt-out or opt-in European bundle patents



Art. 47 UPC-Agreement rules under which conditions a (non-)exclusive licensee can file UPC action



Therefore, licensee should discuss the UPC strategy with the licensor

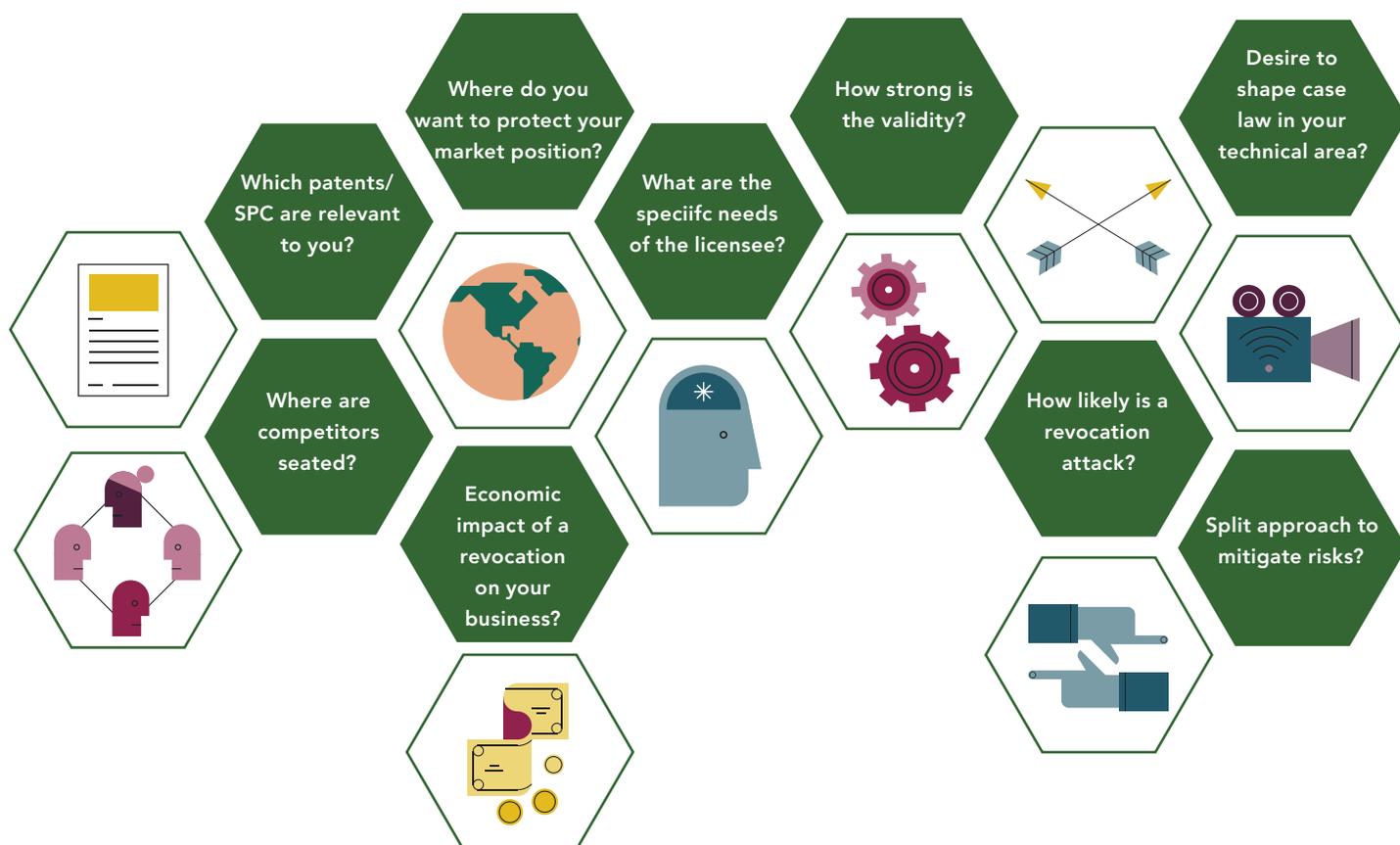
What is the biggest threat?

Patent revocation in one single action for all Participating Member States at once.

What do I need to do?

Consider whether the licensed European patent should be opted-out and discuss with licensor.

Opt-out criteria to be discussed between licensee and licensor



Renegotiation and amendment of existing license agreements might be required — consider clauses explicitly indicating licensee’s rights:

Shall licensee be able to bring UPC infringement action

Can licensee select between EP/UP?

Does licensee have a say regarding opt-out/opt-in of EP?