



The unitary patent: state of play

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Preparing for the Unitary Patent

Preparations at technical level

- **Select Committee and Preparatory Committee**

Preparations at political level

- **Ratification of the UPC Agreement by the 25 Contracting Member States (min. 13 required)**
- **12 Member States have deposited their instruments of ratification:**
i.e. AT, BE, BG, DK, FI, FR, IT, LU, MT, NL, PT, SE

Preparing for the Unitary Patent

Our common target is to see the first unitary patent granted in 2017

"All participating Member States [should] start, or complete, their ratification of the UPC Agreement", Commissioner Bieńkowska, 20/2/17

Commission encourages all Member States to participate in enhanced cooperation

Provisional Application of the UPC

Protocol on Provisional Application requires consent of 13 Member States:

- **8 Member States so far:**
DK, FI, FR, IT, LU, NL, SE, UK
- **3 Member States due by May (BE, MT, DE)**
- **2 additional Member States still required**

Target date: end of May, to allow for an orderly entry into operation of the Court

Three Commission actions:

- 1. Clarifying how the unitary patent will fit together with EU law on supplementary protection certificates and national patents*
- 2. Developing close partnership with the EPO in the context of unitary patent protection*

Commission actions cont.:

3. Implementing our Nov. 2016 Strategy "Putting IP at the service of SMEs to foster innovation and growth"

- Clear evidence on importance of IPRs to support growth and employment: SMEs that own IP rights have over 30% higher revenue per employee than firms that do not*
- But under-use by SMEs: only 9% of SMEs own IPRs and 0.3% of SMEs own EU patents*

Measures in IP for SMEs package

- (i) helping IP awareness of SMEs*
- (ii) pre-diagnostic services*
- (iii) co-funding SMEs in obtaining EU patents*
- (iv) Online platform for patent licensing*
- (v) EU IP mediation/arbitration network*
- (vi) EU-level insurance schemes for IP litigation*
- (vii) coordination of IP support funding schemes*