

**OFFICIAL TIMELINE**



**PATENT/SPC OWNERS’ NEXT STEPS**

**OPT-OUTS**

The UPC will, by default, have jurisdiction over existing European patents and SPCs, making it possible for patents and SPCs related to the same European patent to be revoked in a single action before the UPC.

Owners of European patents and SPCs can opt-out their rights from the jurisdiction of the UPC to minimise this risk of central revocation.

To prepare for new system, we recommend that you now:

- determine your opt-out strategy;
- carry out due diligence review of your patent/SPC portfolio to identify the patents/SPCs that will be opted-out;
- correct issues related to chain of title;
- identify co-owners of relevant patents/SPCs and obtain their consent to opt-out;
- review your license agreements related to relevant patents/SPCs to ensure that (1) an appropriate process is in place for managing opt-outs and (2) litigation provisions are coherent with opt-out strategy; and
- review litigation strategy with your current licensees given its impact on the right to opt-out.

It is also important to define your strategy for pending applications:

- identify the patent applications that will be opted-out.
- draft joint ownership/license agreements to ensure that (1) an appropriate process is in place for managing opt-out / opt-in and unitary effect decisions and (2) litigation provisions are coherent with opt-out / opt-in strategy

**REQUEST FOR UNITARY EFFECT**

You should also consider your strategy for national validation/unitary patents going forward.

If you are an applicant for a European patent at the final phase of the grant procedure, you may obtain a Unitary Patent already by:

- delaying the grant procedure until after the UPC start date and
- filing an (early) request for unitary effect.