

OFFICIAL TIMELINE

19 January 2022



Provisional Application Period began

The transition to the operational phase began, in particular:

- the Unified Patent Court (UPC) acquired legal personality
- UPC's central, regional and local divisions were established
- Registry was set up at the seat of the Court of Appeal (Luxembourg)
- the Administrative Committee, Budget Committee and Advisory Committee were set up
- UPC judges have been appointed
- Patent mediation and arbitration center was established in Lubljana (Slovenia) and Lisbon (Portugal)

8 July 2022



UPC rules of procedure finalised

One of the final necessary preparatory steps before the court can begin operating.

1 September 2022



Rules of procedure come into force

Sets the legal framework for certain acts that will be possible during the "sunrise period", such as opt-outs.

1 January 2023



Start of the sunrise period

The sunrise period provides the option for opting-out European patents, European patent applications and SPCs from the UPC's jurisdiction. It will also be possible to start filing requests for unitary patents with the European Patent Office.

1 April 2023



UPC begins operating and **UPs** start being granted

When the UPC begins operating, it will be possible to bring actions before the court. The European Patent Office will begin granting unitary patents.

PATENT/SPC OWNERS' NEXT STEPS

PREPARATION FOR OPTING OUT EXISTING EUROPEN PATENTS / SPCs

The UPC will have exclusive jurisdiction over existing European patents and SPCs, making a central revocation attack possible.

Owners of a European patent as well as holders of an SPC may opt-out from the exclusive competence of the UPC for at least 7 years and thus we recommend that you:

- · 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 such patents / SPCs and obtain their consent to opt-out
- review your license agreements related to such patents / SPCs to ensure that (1) an appropriate process is in place for managing opt-out / opt-in and (2) litigation provisions are coherent with opt-out / opt-in strategy
- review litigation strategy with your current licensees given its impact on the right to optout / opt-in

DEFINE 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

OPTING-OUT

You may opt-out from jurisdiction of the UPC by notifying your opt-out with the Registry of the UPC once the sunrise period begins.

REQUEST FOR UNITARY EFFECT

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

- filing an early request of unitary effect or
- delaying the grant procedure until after the UPC start date.