

# UPC

## Current Developments and first Decisions

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27.10.2023 | 1

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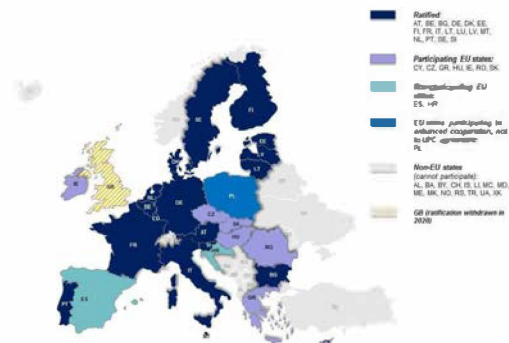
1

## The Unified Patent Court – finally live

- On June 1<sup>st</sup>, system started in 17 EU Member States
- 7 signatory states (incl. IRL) likely to join later

### Art. 34 UPCA

One single action will provide for an enforceable decision across the UPC states where EP has effect

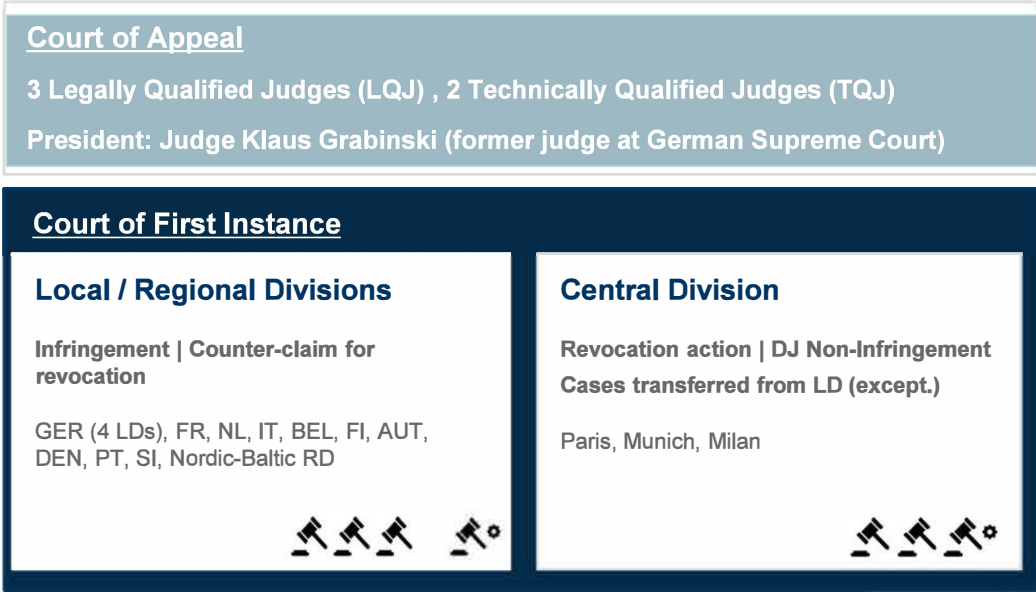


27.10.2023 | 2

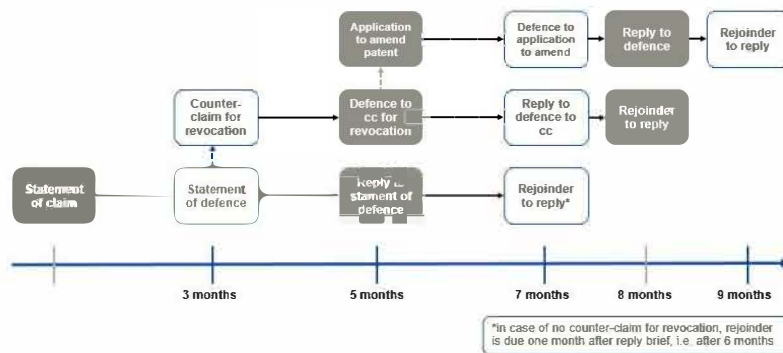
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2

# Court Structure



# UPC – EU „rocket docket“



**Deadlines extendable only upon *reasoned* request (RoP 9.3)**  
**Late-filed submissions and facts may be disregarded (RoP 9.2)**

## Comparison of proceedings across primary jurisdictions

	UPC	GER	NL	US ITC	US District	UK	CN
Front loaded, written proc.	✓	✓	✓	No	No	No	✓
Short deadlines	✓	✓	✓	✓	No	No	✓
Discovery	No	No	No	✓ ✓	✓	No	No
oral argument	limited	limited	limited	✓	✓	✓	limited
Bi-furcation	limited	✓	No	No	No	No	✓
Permanent Injunctions	✓	✓	✓	✓	Very limited	✓	✓
Award of Damages	✓	limited	✓	No	high awards	moderate awards	Very limited
Costs recoverable	✓	limited	✓	No	No	✓	Very limited

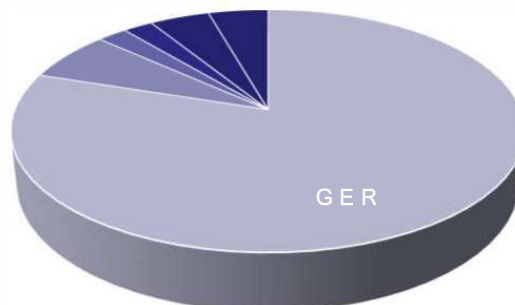
27.10.2023 | 5

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5

## Head start for German Local Divisions

### ■ Allocation of infringement cases to Local / Regional Divisions



■ GER LDs ■ IT LD ■ FR LD ■ NL LD ■ Nordic RD ■ FIN LD

[status October 2023 / stand-alone revocation actions not considered]

27.10.2023 | 6

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6

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First appeared as part of the conference materials for the  
28<sup>th</sup> Annual Advanced Patent Law Institute session

"Implications of the EU Unified Patents and the EU Unified Patent Court"