

Will 2013 Bring a New European Patent System?

by Donald Scarinci

European patent reform could finally become a reality in 2013. Last December, the European Parliament approved draft regulations for a [unified patent system](#). The agreement must still be ratified by at least thirteen member states and will not be implemented until at least 2014. However, the vote puts at least one major hurdle in the rear view mirror.

Once it is up and running, inventors will be able to secure a single “unitary” patent, which will be enforceable in the 25 EU member states who have agreed to the new patent system. This will eliminate the need to validate a patent in individual member states. Under the new EU unitary patent system, applications must be submitted in English, German or French. However, further translations will not be required.

The member states have also agreed to a unified patent litigation system. The Unified Patent Court (UPC) will have exclusive jurisdiction for litigation relating to European patents and European patents with unitary effect. Most importantly, a decision issued by the court system regarding infringement or validity will be recognized in all 25 member states.

For U.S. businesses operating overseas, the new EU patent system is good news. It should provide greater legal certainty for EU patent rights, a more streamlined patent process, and lower costs. In the case of patent infringement, patent holders will be able to enforce their rights in one legal proceeding. Of course, the flip side is that an injunction against your business will also cover much of the EU.

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