

**THE  
TRANSITIONAL  
MEASURES  
MADE  
AVAILABLE BY  
THE EPO**



# DEFINITION

## Definitions & Acronyms

- **UP:** European Patent with unitary effect / «Unitary Patent»
- **UPC:** Unified Patent Court
- **UPCA:** Unified Patent Court Agreement
- **Enhanced cooperation:** a procedure where a minimum of 9 EU Member states are allowed to set up advanced integration or cooperation in a particular field within the EU, when it is clear that the EU as a whole cannot achieve the goals of such cooperation within a reasonable period of time



# Enhanced Cooperation

Two EU Regulations in the area of the creation of Unitary Patent protection have been adopted in December 2012 by the EU Council and the European Parliament under enhanced cooperation between 25 EU Member States referred to as "participating Member States"

1 - Regulation (EU) No 1257/2012  
implementing enhanced cooperation in the  
area of the creation of Unitary Patent  
protection

2 - Regulation (EU) No 1260/2012  
implementing enhanced cooperation in the  
area of the creation of Unitary Patent  
protection as regards the applicable  
translation arrangements



# Enhanced Cooperation

Regulation (EU) No 1257/2012 and Regulation (EU) No 1260/2012 entered into force in January 2013

BUT they will be applicable to a participating Member state from the date of entry into force of the [Agreement on a Unified Patent Court \(UPCA\)](#), which is an international agreement signed by 25 EU Member States referred to as “Contracting Member States” and subject to ratification



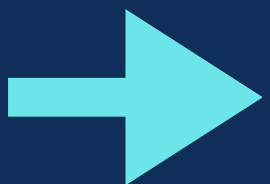
The two Regulations (EU) and the UPCA form the so-called Unitary Patent «Package»



# REGULATION

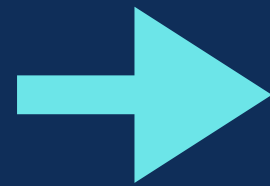
## The Unitary Patent «Package»

1 - Regulation (EU) No 1257/2012 implementing enhanced cooperation in the area of the creation of Unitary Patent protection



UNITARY  
PATENT (UP)

2 - Regulation (EU) No 1260/2012 implementing *enhanced cooperation* in the area of the creation of Unitary Patent protection as regards the applicable translation arrangements



UNIFIED  
PATENT COURT  
(UPC)

3 - Agreement on a Unified Patent Court (UPCA)

GUIDLINE

STANDARDS

# REGULATION

PROCEDURE

COMPLIANCE

LAW



## The Unitary Patent «Package»

where are we now?

- Considering the status of ratifications, the UPCA enters into force on the 1st day of the 4th month after Germany deposits its instrument of ratification
- Germany's ratification marks the start of a «sunrise period» before the «Package» enters into force
- The entry into force of the UPCA is planned for June 1, 2023
- The “sunrise period” starts on March 1, 2023
- The transitional measures introduced by the EPO, applicable to European patent applications having reached the final phase of the grant procedure, are available as of 1 January 2023

LINE

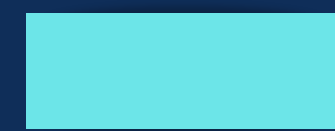
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# REGULATION

EDURE

COMPLI

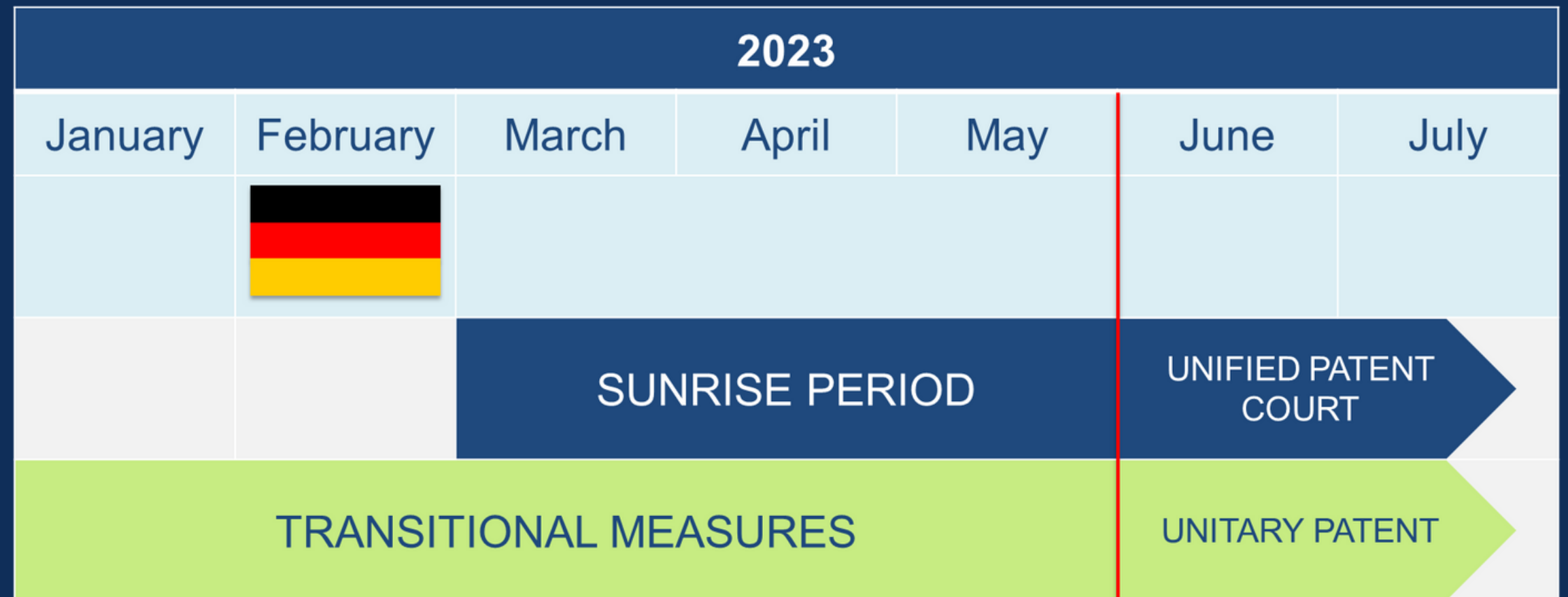
LAW



# The Unitary Patent

## «Package»

where are we now?



# Requirements



## Unitary Patent transitional measures

For EP applications with «intention to grant» issued, the EPO has decided to introduce the following two transitional measures:

- early request for «unitary effect» (early request)
- request for a delay in issuing the decision to grant a European patent (delay of DG)





## Unitary Patent early request

The EPO accepts requests for unitary effect filed before the start of the Unitary Patent Package as of 1 January 2023


Early requests for unitary effect may only be filed for EP applications for which the EPO has informed the applicant of the text on the basis of which it intends to grant the patent (intention to grant communication)

A request for unitary effect should be filed preferably online and using Form 7000



# Unitary Patent early request

Form 7000

 **Europäisches Patentamt**  
European Patent Office  
Office européen des brevets

**Antrag auf einheitliche Wirkung**  
Request for unitary effect  
Demande d'effet unitaire

Tag des Eingangs / Date of receipt / Date de réception (siehe Mandat antragerechtes)

**1. Angaben zum Patent (Regel 6 (2) b) DOEPS)**  
Data concerning the patent (Rule 6(2)(b) UPR)  
Données concernant le brevet (règle 6(2)b) RPU)

1.1 Nummer des europäischen Patents /  
European patent No. /  
Numéro du brevet européen

1.2 Nummer der europäischen Anmeldung /  
European application No. /  
Numéro de la demande européenne

1.3 Tag des Hinweises auf die Erteilung /  
Date of mention of the grant /  
Date de la mention de la délivrance

1.4 Zeichen des Patentinhabers oder Vertreters (max. 15 Zeichen) /  
Patent proprietor(s) or representative's reference (max. 15 characters) /  
Référence du titulaire du brevet ou du mandataire (max. 15 caractères)

1.5 Das europäische Patent wurde mit den gleichen Ansprüchen für alle teilnehmenden Mitgliedstaaten erteilt (Regel 5 (2) DOEPS) /  
The European patent has been granted with the same set of claims in respect of all the participating Member States (Rule 5(2) UPR) /  
Le brevet européen a été délivré avec le même jeu de revendications pour tous les États membres participants (règle 5(2) RPU).

**2. Antrag / Request / Demande**

2.1 Hermit wird einheitliche Wirkung für das vorstehend genannte Patent beantragt /  
Unitary effect for the above-mentioned patent is hereby requested. /  
Un effet unitaire est demandé pour le brevet susmentionné.

2.2 Hermit wird die Kompensation von Übersetzungskosten beantragt (Regel 9 DOEPS). Der/Each Patentinhaber erklärt Hermit, dass er und gegebenenfalls der ursprüngliche Anmeldeberechtigter eine Einheit oder eine natürliche Person nach Regel 8 (2) und (4) DOEPS ist. /  
Compensation for translation costs is hereby requested (Rule 9 UPR). The/Each patent proprietor hereby declares that he, and if applicable, the initial applicant is an entity or a natural person under Rule 8(2) and (4) UPR. /  
Une compensation des coûts de traduction est demandée (règle 9 RPU). /  
Le/Chaque titulaire du brevet déclare par la présente que lui-même et, le cas échéant, le demandeur initial, est (sont) une entité ou une personne physique au sens de la règle 8(2) et (4) RPU.

**3. Übersetzung / Translation / Traduction**

3.1 Verfahrenssprache ist Englisch. Eine vollständige Übersetzung der Patentschrift des europäischen Patents in einer der anderen Amtssprachen der Europäischen Union (Regel 6 (2)(d) DOEPS) ist beigelegt, nämlich: /  
Language of proceedings is English. A full translation of the specification of the European patent into one of the other official languages of the European Union (Rule 6(2)(d) UPR) is enclosed, namely: /  
La langue de la procédure est l'anglais. Une traduction de l'intégralité du fascicule du brevet européen dans une autre langue officielle de l'Union européenne (règle 6(2)(d) RPU) est jointe, à savoir dans la langue suivante:

3.2 Verfahrenssprache ist Deutsch oder Französisch. Eine vollständige Übersetzung der Patentschrift des europäischen Patents in Englisch (Regel 6 (2)(d) DOEPS) ist beigelegt. /  
Language of proceedings is French or German. A full translation of the specification of the European patent into English (Rule 6(2)(d) UPR) is enclosed. /  
La langue de la procédure est le français ou l'allemand. Une traduction en anglais de l'intégralité du fascicule du brevet européen (règle 6(2)(d) RPU) est jointe.

EPA/EPO/EB 7000.1 01.22

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## Unitary Patent early request

If the requirements for the registration of unitary effect are met, the EPO will register unitary effect immediately at the start of the Unitary Patent Package

If the requirements for the registration of unitary effect are not met, the EPO will invite the applicant to correct the deficiencies, if possible, or will reject the request for unitary effect



Later..

## Unitary Patent delay of DG

The decision to grant a European patent shall apply on the date on which the mention of the grant is published in the European Patent Bulletin and a request for unitary effect may only be filed for EP patent granted on or after the start of the Unitary Patent Package

If a request for a delay in issuing the grant is filed, the issuance of the decision to grant will be delayed so that the mention of the grant will be published in the European Patent Bulletin on or immediately after the start of the Unitary Patent Package

The examining division may resume examination at any time during the period the decision to grant is delayed

Later..

## Unitary Patent delay of DG

The EPO allows requests for a delay in issuing the grant from 1 January 2023 to the start of the Unitary Patent Package


Requests for a delay in issuing the decision to grant may only be filed for EP applications for which the applicant has been informed of the text intended for grant (intention to grant communication) and he has not yet approved that text

The request for delay must be filed on FORM 2025 provided by the EPO



Form 2025

# Unitary Patent delay of DG

 **Europäisches Patentamt**  
European Patent Office  
Office européen des brevets

**Antrag auf Verschiebung der Entscheidung über die Erteilung des europäischen Patents im Hinblick auf die bevorstehende Einführung des Einheitspatents**  
**Request to delay issuing the decision to grant a European patent, in view of the forthcoming introduction of the Unitary Patent**  
**Requête visant à faire reporter la décision de délivrer un brevet européen, compte tenu de l'introduction prochaine du brevet unitaire**

Zeichen des/der Anmelders  
Reference of applicant(s)  
Référence du (des) demandeur(s)

Anmeldenummer  
Application No.  
N° de la demande

Hiermit beantrage ich/beantragen wir eine Verschiebung der Entscheidung über die Erteilung des europäischen Patents (Artikel 97 (1) EPU) auf die oben genannte europäische Patentanmeldung, damit für das europäische Patent einheitlicher Patentschutz beantragt werden kann.

I/we hereby request a delay in issuing the decision to grant a European patent (Article 97(1) EPC) for the above mentioned European patent application so that the European patent will be eligible for Unitary Patent protection.

Je requiers/nous requérons le report de la décision de délivrer un brevet européen (article 97(1) CBE) pour la demande de brevet européen susmentionnée, afin que le brevet européen concerné puisse donner lieu à une demande de protection par brevet unitaire.

Ort / Place / Lieu

Datum / Date

Unterschrift(en) des (der) Anmelders(s) oder Vertreter(s)  
Signature(s) of applicant(s) or representative(s)  
Signature(s) du (des) demandeur(s) ou mandataire(s)

Name des (der) Unterzeichneten bitte in Druckschrift wiederholen. Bei juristischen Personen bitte außerdem die Stellung des (der) Unterzeichneten innerhalb der Gesellschaft in Druckschrift angeben. / Please print name(s) under signature(s). In the case of legal persons, the position of the signatory within the company should also be printed. / La (Les) signature(s) do(ven)t être suivie(s) du (des) nom(s) en caractères d'imprimerie. S'il s'agit d'une personne morale, la fonction du signataire dans la société doit également être indiquée en caractères d'imprimerie.

EP/EPC/02B 2025 12/22

bitte wenden / P.T.O. / T.S.V.P.

1/2

**Thank you**

