
UNIFIED PATENT PROTECTION IN EUROPE

A Commentary

EDITED BY
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OXFORD

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Unified Patent Protection in Europe

Preface

The European patent system has had a long history. More than 40 years after the conclusion of the European Patent Convention (EPC) of 5 October 1973, the new 'European patent package' will become effective. This package consists of:

- Regulation (EU) No 1257/2012 of the European Parliament and of the Council of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection (EPUE Reg);
- Council Regulation (EU) No 1260/2012 of 17 December 2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regard to the applicable translation arrangements (EPUET Reg); and
- the Agreement on a Unified Patent Court of 19 February 2013 (UPCA) with the Statute and the Rules of Procedure of the Unified Patent Court (UPC).

The EPUE Reg vests a European Patent (EP) as granted by the European Patent Office (EPO), upon application, with a unitary effect for all participating Member States. The EPUET Reg regulates the languages to be used in applications for unitary effect. The UPCA establishes an international court for EP infringement and revocation, including EPs with unitary effect.

This Commentary covers all three parts of the patent package. It has been written by university professors, judges, lawyers, and patent attorneys. We are very grateful for the enormous work put into this book by the authors and for the generous support given by the law firm Hogan Lovells International LLP.

Special thanks go to attorney-at-law Matthias Siebels for his tireless assistance and support in all organizational and technical matters as well as to the whole editing team at OUP.

The Commentary is a translation from a manuscript for a publication in German. Some authors have used the professional help of Bryan Hipson for translating their contributions into English and are thankful for that help.

The patent package has survived two legal actions before the European Court of Justice. Hopefully, it will also survive proceedings currently pending before the Federal Constitutional Court of Germany and, eventually, the implementation of Brexit.

The Commentary is designed to be of help to all patent practitioners who will have to analyse and apply the new European patent system that has been prepared over such a long period and with so much care.

The Editors

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