

FEEES FOR BOTH THE OPT-OUT OF EUROPEAN PATENTS FROM THE UPC AND WITHDRAWAL OF OPT-OUTS ARE REMOVED

With the UPC Preparatory Committee recently announcing the previously proposed fees for both the opt-out and its withdrawal are being removed, holders of European patents (and pending patent applications) should start planning whether they wish to opt their European patents out of the new UPC system or keep their patents in the UPC to test the new system.

With the new system possibly going live in 2017 and a period for opt-outs potentially starting in the autumn of 2016, it is important to quickly identify those patents to be opted out.

In particular, joint patent proprietors should clarify how they will coordinate this and licensees should determine how this will be managed with patent proprietors.

The proposed UPC case management system appears to allow an "unlimited" number of patents to be opted out of the UPC at once and thus with the removal of the fees, the process of opt out should be considerably simpler.

Please contact your Murgitroyd attorney if you would like more details in relation to the above.

https://www.unified-patent-court.org/sites/default/files/agreed_and_final_r370_subject_to_legal_scrubbing_to_secretariat.pdf