

## Bird & Bird's Hague office holds first in a series of UPC seminars

Thursday 7 March saw the first in a series of Bird & Bird seminars, across Europe, on the new Unitary Patent and the Unified Patent Court (UPC). Attendees from industry, government and professional services flocked to a seminar at Bird & Bird's new offices in The Hague to debate the coming changes. The seminar saw a line-up of several key players and experts in this project as speakers, all sharing their thoughts and insights into the new system, the implementation and the foreseeable strategies.

[Further seminars](#) will be held in Munich, London and Paris over the next couple of months.

### What the UPC means for business

The long-awaited new system will allow companies, research institutions, and individuals to obtain a unitary patent with immediate and uniform effect in 25 EU Member States, as well as access to infringement and validity proceedings before the new UPC. This vast project is rapidly taking shape through the efforts of various collaborating working groups and is aimed to be implemented and ready for use in 2014.

With the new system adding another option with far-reaching consequences to the already available national, European and international patent application routes, strategic and enforcement-aware applicants will need to develop a patent strategy that involves a choice between the new unitary patent, a traditional European patent and the various national patents, or sometimes even combinations of these.

### Providing insight and sharing expertise

Well-informed Dutch IP litigator **Wouter Pors** welcomed the audience and opened the seminar, updating attendees on the most recent insights in litigation before the new Europe-wide court and brought everyone up to speed on recent developments and the work and choices ahead.

German-based patent attorney **Michael Alt** addressed the workings of the unitary patent system, outlining the additional prosecution choices and strategies that applicants will now have. He led the audience through the kind of patents, their effect, enforcement and costs under the new system.



Special guest **Paul van Beukering**, IP Unit manager for the Dutch Ministry of Economic Affairs, provided a detailed overview of the implementation process and the difficult logistic, legal and political choices involved, which has already started and will run in parallel to the ratification process.

**Samuel Granata**, Judge in the Commercial Court of Antwerp (Belgium) and author of the first book to appear on the (draft) rules of procedure of the UPC, demonstrated his mastery of those rules by clearly explaining these procedures using concise flow charts.

Owing to his extensive experience of litigating in a multi-lingual jurisdiction, Belgian IP litigator **Bruno Vandermeulen**, was able to engage the audience on the difficult topic of the language of proceedings and the required translations before the UPC, pointing out both the flexibility of the system and the surprising absence of sanctions for those who fail to submit the required translations. Language issues provide yet another strategic layer of complexity to the unitary patent system and one that not all Member States may as yet be fully sensitive to.

#### Generating debate and new questions

The day yielded some new questions on various topics. For example, while it is accepted that quality, not political arguments, should govern the selection of the UPC judges, the question remains what countries with little to no patent litigation experience can do to train their judges and abide by that principle. Industry attendees debated how to plan ahead for the new system and whether to consider filing divisional applications. The concerns of some critics that the new system is strongly biased towards the interests of patentees were also discussed.

As the UPC seminar drew to a close, the discussions between speakers and the attendees continued during the reception, well into the evening.

#### UPC summary

View Wouter Pors' [Q&A document](#) providing a useful summary of all key aspects related to UPC.

#### Coming up

Further seminars in the series will be happening as listed below:

- 21 March - Munich
- 18 April – London
- 31 May - Paris.

Please contact [Katie Blampied](#) if you would like to request an invitation to any of the seminars.