

# UPC Health Check

BRISTOWS UPC

## Preparing for the **UPC**





## Licensing and collaboration agreements

The launch of Europe's new unitary patent and Unified Patent Court will be preceded by a 'sunrise period' which will allow registration of 'opt-outs'. With this sunrise period due to start about 3 months before the Court opens, now is the time to ensure that your company is prepared - both as regards your patent portfolio and, importantly, in relation to your commercial arrangements.

There are substantial implications for licences, collaborations and co-ownership agreements under the new system.

Given that existing agreements are unlikely to have anticipated this new regime, it is important that action is taken now to ensure that your company protects its European patents and applications going forward, whether as a patentee or licensee.

### Important points to note about the proposed new regime:

- Only proprietors of European patents will be entitled to 'opt out' of the new system (and not licensees, exclusive or otherwise) during the first seven years (and opt back in), and to be effective all proprietors (in all states which have signed the UPC agreement) must do so.
- Decisions will need to be made by the patentee and/or licensee as to what happens to existing licensed European patent applications on grant and patents applied for once the new system comes into effect.
- The new system has specific rules on the law which will apply to co-owned unitary patents which could impact the rights of co-owners of unitary patents.

# Our offer: Bristows' UPC Health Check

Bristows offers a strategic UPC 'health check' to companies wishing to address the unexpected consequences of the new system. This UPC Health Check is tailored to each clients' business to ensure that their UPC strategy is fit for purpose. In particular, our UPC health check provides the following:



A **meeting to plan patent strategy under the UPC regime** and to consider the pros and cons of different courses of action.

A meeting to discuss your licence and collaboration arrangements to assist you in **formulating both a UPC contract strategy and an action plan in relation to both existing and future licence and collaboration agreements** to which you may be a party. This meeting would assist you in scoping out the action required taking into account that, in the case of existing arrangements in particular, the consent of third parties may require to be sought.

A **'fixed price' review of your existing licence and collaboration agreements** and assistance, if required, with the drafting of appropriate UPC amendments.

Assistance with the **drafting of new 'template' clauses** for insertion in future licence and collaboration agreements which would reflect your UPC strategy.

An **email helpline** for queries on the new system as it affects licensing and collaboration agreements.

If you would like more information on our UPC Health Check please get in touch with your existing Bristows contacts or alternatively contact:



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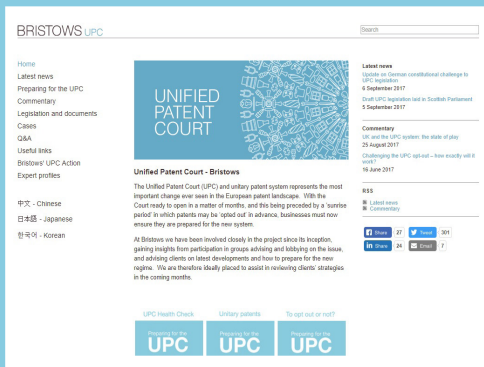
# How Bristows can help

- Bristows can work with you to help prepare your patent portfolio and litigation strategy in advance of the UPC. We offer tailor-made workshops, seminars and strategy sessions to support your UPC planning.

For more information, contact our UPC experts at [upc@bristows.com](mailto:upc@bristows.com).

- Visit our dedicated UPC site and Twitter account which are packed with information including legislation and documents, latest news, commentary, cases, upcoming events, and Q&A:

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UNIFIED PATENT COURT

**Unified Patent Court - Bristows**

The Unified Patent Court (UPC) and unitary patent system represents the most important change ever seen in the European patent landscape. With the Court ready to open in a matter of months, and this being preceded by a 'sunrise period' in which patents may be 'sprung out' in advance, businesses must now ensure they are prepared for the new system.

At Bristows we have been involved closely in the project since its inception, gaining insights from participation in groups, seminars and lobbying on the issue, and advising clients on latest developments and how to prepare for the new regime. We are therefore ideally placed to assist in reviewing clients' strategies in the coming months.

UPC Health Check   Unitary patents   To opt out or not?

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