

# Kluwer Patent Blog

## (Italian) sun is shining over the unitary patent package

Pieter Callens (Eubelius) · Friday, July 17th, 2015



Since the dismissal by the Court of Justice of the European Union of Spain's actions on 5 May 2015 a number of positive decisions are coming from the unitary patent / UPC scene:

1) By the end of May, Italy had announced to be willing to become a "unitary patent member state". Last week the Italian government formalized its intention by means of an official request to the European Commission to join the enhanced cooperation regarding the unitary patent. This means that the Unitary Patent club will have 26 member states by (the latest) November 2015.

2) A second major breakthrough came from the side of the Select Committee of the Administrative Council of the EPO. This committee is to determine the level of renewal fees for the Unitary Patent. After hard negotiations, the committee agreed to the European Patent Office's "True Top 4" proposal. This means that in the future a patentee will be able to receive a Unitary Patent protection in 26 European countries (including Italy) for the same price as he currently pays for

validation of a European patent in the 4 most used member states.

The renewal fees will be less than 5.000 EUR during the first 10 years of the patent. The cumulative total to be paid over the full 20-year term will be just over 35.555 EUR. Currently, the total amount of renewal fees for a European patent validated in 25 member states is 29.500 EUR during the first ten years and 158 621 EUR in total. In other words, the True Top 4 decision corresponds to a reduction of 78% compared to the current situation.

The Select Committee now has to decide on the distribution key of the renewal fees. The Committee hopes to end the negotiations on the distribution key in autumn of this year.

3) Germany informed the members of the Preparatory Committee that it will launch its ratification bill in the second half of 2015. The UK has formally indicated that its ratification process would be completed in spring 2016 (i.e. before the UK referendum on EU membership). This would mean that by the spring of 2016, the necessary 13 ratifications (including UK, FR and Germany) would be available.

4) On 10 July 2015, the 18th draft of the Rules of procedure was presented to the Preparatory Committee. No discussion on substance took place at this meeting, but hopes are that this will be the final draft. At the meeting of the Preparatory Committee on 13 October 2015, the Preparatory Committee intends to finalize the Rules of Procedure.

No wonder most protagonists of the unitary patent package showed a great deal of optimism at the Premier Cercle annual UPC conference in sunny Munich yesterday. The dates of late 2016 and beginning 2017 were recalled for the first Unitary Patents and the first cases at the Unified Patent Court. This summer we have one reason more to go to Italy...

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