

Patents in European Union: The Unitary Package



28/01/2022

INOVA+

Authored by: INOVA+ team

Project Number: 2020-1-UK01-KA201-078934



Co-funded by the
Erasmus+ Programme
of the European Union

The European Commission's support for the production of this publication does not constitute an endorsement of the contents, which reflect the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

REVISION HISTORY

Version	Date	Author	Description	Action	Pages
1.0	28/01/2022	INOVA+	Creation	C	3

(*) Action: C = Creation, I = Insert, U = Update, R = Replace, D = Delete

REFERENCED DOCUMENTS

ID	Reference	Title
1	2020-1-UK01-KA201-078934	IPinSTEAM Proposal

APPLICABLE DOCUMENTS

ID	Reference	Title
1		
2		

Patents comprise one of the key concepts of Intellectual Property Rights, along with copyrights, trademarks and design. A patent refers to the legal title that is attributed to an author's invention, thus protecting this invention of being produced, used or sold without the author's permission. To be patentable, an invention should demonstrate innovative and inventive technical characteristics along with potential application to the industry sector.

Patents are only valid for the country or territory where the authors are applying to. In Europe, the authors of an inventive and innovative invention have two options. They either make a request to patents in their national territories by applying through the competent national IP authorities or to European patents by applying to the European Patent Office (EPO), which comprises the competent European authority to grant, maintain and manage European patents. European patents have a maximum duration of 20 years starting from the application process. In order to facilitate and guide the application process to a European patent, the EPO developed the "European Patent Guide", providing the guidelines and practical recommendations regarding the application process.

The European Commission (EC) is responsible for the implementation and monitoring of the patent-related rules in the European Union (EU). In the last years, the EC has been working on the creation of a unitary patent package in order to assure a unified protection for patents across the European territory and to improve the patent application process in terms of the time and costs involved. In this sense, this unitary patent package intends to comprise a cost-effective, timesaving and uniform patent protection in Europe. By creating a simpler, more efficient process, it is also expected that this unitary patent package promotes the enhancement of research and innovation, thus enhancing growth in the EU.

The patent package comprises a legislative initiative established in 2012 between the EU countries and the European Parliament setting the regulation regarding both the creation and the applicable regime to the unitary patent. This legislative initiative also defined the applicable patent jurisdiction – the Unified Patent Court.

References

European Commission. *Patent protection in the EU*. Available in: https://ec.europa.eu/growth/industry/strategy/intellectual-property/patent-protection-eu_en

European Commission. *Unitary patent*. Available in: https://ec.europa.eu/growth/industry/strategy/intellectual-property/patent-protection-eu/unitary-patent_en

European Patent Office (2017). *Unitary Patent Guide*. Available in: <https://www.epo.org/law-practice/legal-texts/html/upg/e/index.html>