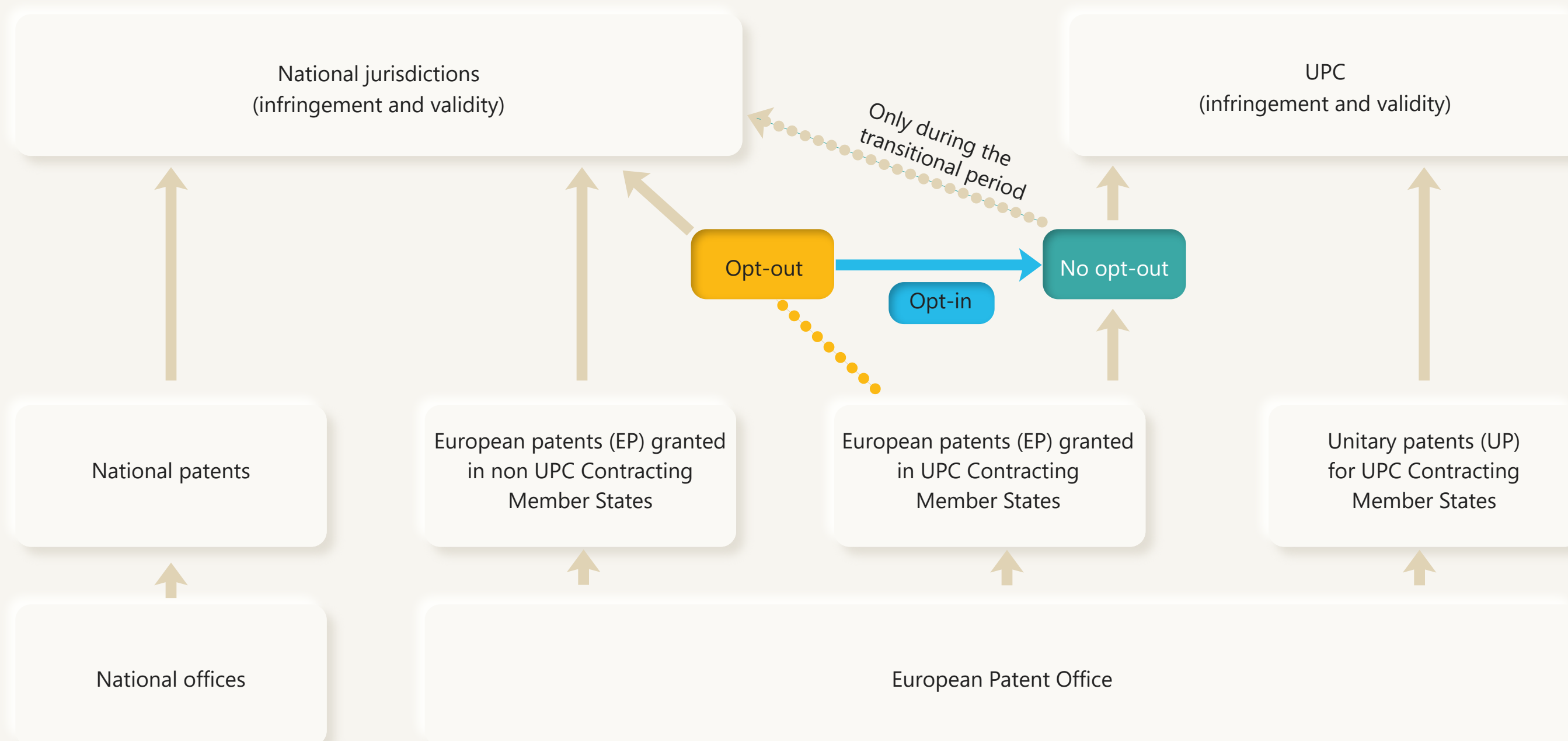


## The future patent jurisdictions in Europe



### Opt-out

#### When?

- Before the entry into force of UPC, during a provisional application period "Sunrise Period" started on March 1st, 2023

[R. 5-12]

- During a transitional period of at least 7 years as from the entry of the UPC unless an action has already been brought before the UPC

[Art. 83 (1) and (3) UPCA]

#### Who?

[R. 5-1 and R. 5-3]

- The actual patent proprietor/applicant (may be different from the registered proprietor/applicant)
- If a EP is co-owned, all the actual co-owners

#### How?

- Online at the Registry of the UPC via its case Management System (no official fee is due)
- For one proprietor, possibility to lodge multiple opt-outs in one step

### Opt-in (withdrawal of opt-out)

#### When?

- Opt-in possible, unless action is or has ever been pending in national court

[Art. 83-4 UPCA]

#### Who?

[R5-7]

- The actual patent proprietor/applicant (may be different from the registered proprietor/applicant)
- If a EP is co-owned, all the actual co-owners

#### How?

- Online at the Registry of the UPC via its case Management System (no official fee is due)
- No second opt-out possible

### Possibility to remove an unauthorized opt-out or opt-in

[R. 5A]

- If there has been an unauthorized opt-out/opt-in, the actual proprietor may apply to remove
  - Possible only if a third party has fraudulently or mistakenly filed an opt-out/opt-in
  - No removal possible if the proprietor filed an opt-out/opt-in, but did so without complying with the rules