

EIP



What is the Unified Patent Court?

The Unified Patent Court (“UPC”) is a new pan-European court which opened for business on 1 June 2023. It adjudicates disputes relating to the new Unitary Patents and also to existing and future European patents (unless they have been opted out).

Decisions of the UPC take effect across all participating Member States in which the European/Unitary patent has effect.

The UPC Court of First Instance (CFI) consists of

- a central division and
- local / regional divisions.

Central Division

Revocation actions and declarations of non_infringement are to be commenced in the central division.

The central division has its main seat in Paris, and a section in Munich. A further seat is expected to open in Milan. The seat responsible for a case is determined by the field of technology of the patent concerned as follows:

- Chemical and life sciences cases (Munich/Paris until Milan opens)
- Mechanical cases (Munich)
- Everything else, including IT and telecoms (Paris)

The panels in the central division consist of two legally qualified and one technically qualified judge. The panels are multinational.

Local/Regional Divisions

Infringement actions are normally heard by the local/regional divisions. These are divisions set up in participating Member States; two or more may join together to form a regional division.

Which local / regional division is competent to hear an infringement case is determined by the place where the alleged infringement occurred, or by the place of residence, or principal place of business, of the defendant.

Cases in the local/regional divisions are heard by a panel of three legally qualified judges (optionally one technically qualified judge may be requested).

If a counterclaim for revocation is made in infringement proceedings the counterclaim may also be heard in that local/regional division. However, at the discretion of the local/regional division and having heard the parties, it may instead refer the counterclaim to the central division, and pending the decision from the central division on the counterclaim for revocation, the local/regional court may either proceed with or suspend the infringement proceedings. With the agreement of the parties the local/regional division may refer the whole case to the central division.

A list of participating member states and locations for the local / regional divisions can be found [here](#).

Appeals

Appeals from the CFI are to a Court of Appeal in Luxembourg.

See also our notes on the [Languages used by the UPC](#) and the law on the [Unitary Patent as an object of property](#).