

# *Unified Patent Court – Milan runs for IP Rights*

On **September 4<sup>th</sup> 2020**, the Italian Government has announced that **Milan** is running to host the new headquarters of the **Unified Patent Court (UPC)**, a European Court focused on Innovation matters that will become active in the coming years. The projects of a **Uniform Patent System (UPS)** for **unitary EU patents** in the EU and its protection (UPC), as a uniform legal instrument for promoting scientific and technological progress, is a story born over forty years ago. Furthermore, the Italian Government has recently decided to choose **Turin** as the headquarters for the **Italian Institute for Artificial Intelligence**: this allows us to consolidate a strategic alliance with Milan.

## **What UPC is?**

The UPC is a uniform Court dealing with patent matters open to all EU member states: it deals with cases regarding infringement and revocation proceedings of patents (national patents, European patents and unitary patents) valid in the EU territory, with a single court being directly applicable throughout EU territories, according to the Agreement (February 2013).

The UPC is composed of: Court of First Instance; Court of Appeal (Luxembourg); Arbitration and Mediation Center.

The Court of First Instance will consist of: central division (Paris), with thematic sections (London and Munich); several local and Regional Divisions.

## **Which are the economic benefits of UPC?**

European Commission has estimated and has assumed, few years ago, that UPC could generate a turnover of about 300 ML euros per year for Milan, as well as potential synergies with local universities and Law Firms.

EPO (European Patent Office) has estimates that the UPS and UPC are likely to boost business and Foreign Direct Investment (FDI) in the EU Single Market for technology and innovation (sources: Report 2017 of London School of Economics and University of Colorado Boulder). Considering the fragmentation of the EU Patent System, UPS represents the challenge for EU towards a knowledge and innovation-driven economy; moreover, the scenario of harmonisation of national patent laws will mitigate necessarily and considerably costs of patent application and litigation in EU territory.

Opportunities:

1) cultural target: giving birth and developing new generations of magistrates and lawyers dealing with patent disputes and not only legal skills, but also technical skills (multidisciplinary skills);

2) Economic target: with Covid-19, the entire EU (and other non-EU areas), the pharmaceutical sector represents and will represent a central sector. In Italy, in addition to the concurrent jurisdiction of the IP

Specialized Sections in local Courts, a Central Patent Court will certainly increase the number of cases in which Italian and foreign companies will be able to protect or to defend before an independent judicial Court, physically operating in Italy.

3) job target: this Court will bring with it new jobs, thanks to the numerous professional figures carrying out important functions within the Court. This will increase not only for law professionals (law firms and IP firms), but for other business for UE economy (eg: RE, hotel, food, human resources, etc.).

## **What BLCI International can do for?**

Business is based on innovation. Innovation is based on patents, designs, trade secrets and know how. From legal point of view, strong patents are based on a complete knowledge of the technology behind them. In this view, our professionals are specialized in different sectors (mechanical, chemical, electronic) to guarantee customers the best assistance, taking into account the market in which they operate.

Our firm boasts extensive experience in many fields of Innovation law and Intellectual Property Rights (IPR): defending and enhancing IPR and fair competition before EU Courts. We can provide the following services:

- verifying the patentability of inventions
- applying for patent in all EU and non-EU countries;
- responding to observations of EU Offices;
- defining strategies of IP portfolio
- IP asset valuation
- protecting patents before Courts and Offices
- helping to maintain IPR alive
- drawing up technology transfer agreements
- helping clients and colleagues in negotiations
- defending IPR before EU Courts
- advising for financing innovation

**We are available for helping you starting from now: we offer an initial opinion to estimate the main things to do for New Projects (new products, new services).**

