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## The Unitary Patent and the Unified Patent Court are just around the corner

*A patent with unitary effect throughout the European Union (EU)? This is an old dream that will very soon come true, although it is still incomplete as not all EU Member States have joined the system. The expected date of entry into force is 1 April 2023. Although this date is still a few months away, it is advisable to get ready now, as decisions will soon have to be taken on already granted European Patents and pending European Patent applications.*



### A bit of history

#### The European Patent and the dream of the Unitary Patent

Before the creation of the European Patent in 1973, there was already a desire to create a patent with a single, centralized procedure and unitary effect throughout the European Economic Community (EEC, now part of the EU). The project failed, due to the different political interests between the Member States and the difficulties in obtaining from them the necessary cession of sovereignty on certain aspects, in particular, those relating to the working languages and the competence of national courts in matters of patent invalidity and infringement.

Faced with these seemingly insurmountable difficulties, a more pragmatic approach was chosen, resulting in the signing of the European Patent Convention (EPC) in Munich on 5 October 1973. This created the European Patent and the European Patent Office (EPO) as the single body responsible for processing and granting European Patents. This system, with some

adaptations and after successive enlargements with the gradual incorporation of new EPC Member States, is the one currently in operation in Europe. It should be remembered that the EPC is not a mechanism of the European Union as such, but rather a multilateral treaty, in which each of the Member States of the current EU and other European States such as the United Kingdom, Switzerland, Norway, Turkey, etc., participate individually. The EPC currently has 39 Member States (the 27 EU States, plus 12 non-EU States).

[Read more](#)

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