



# Update on the Unified Patent Court

## PRESENTED TO

**Judicial Symposium on Intellectual Property**  
IP High Court, Tokyo, 23 October 2025

## PRESENTED BY

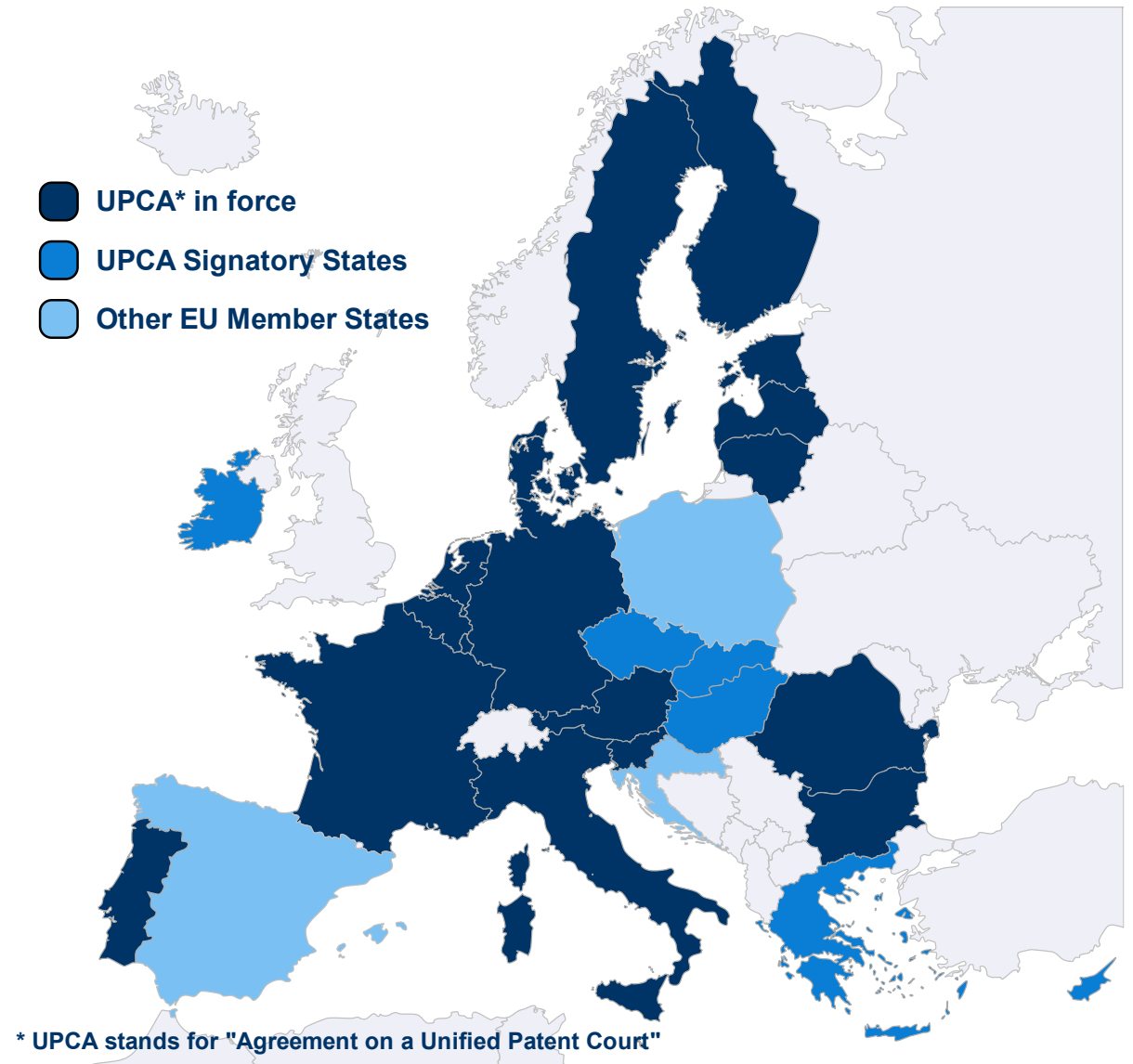
**Dr Klaus Grabinski**  
President of the UPC Court of Appeal

All written and said is my personal view and not a communication of the UPC Court of Appeal.

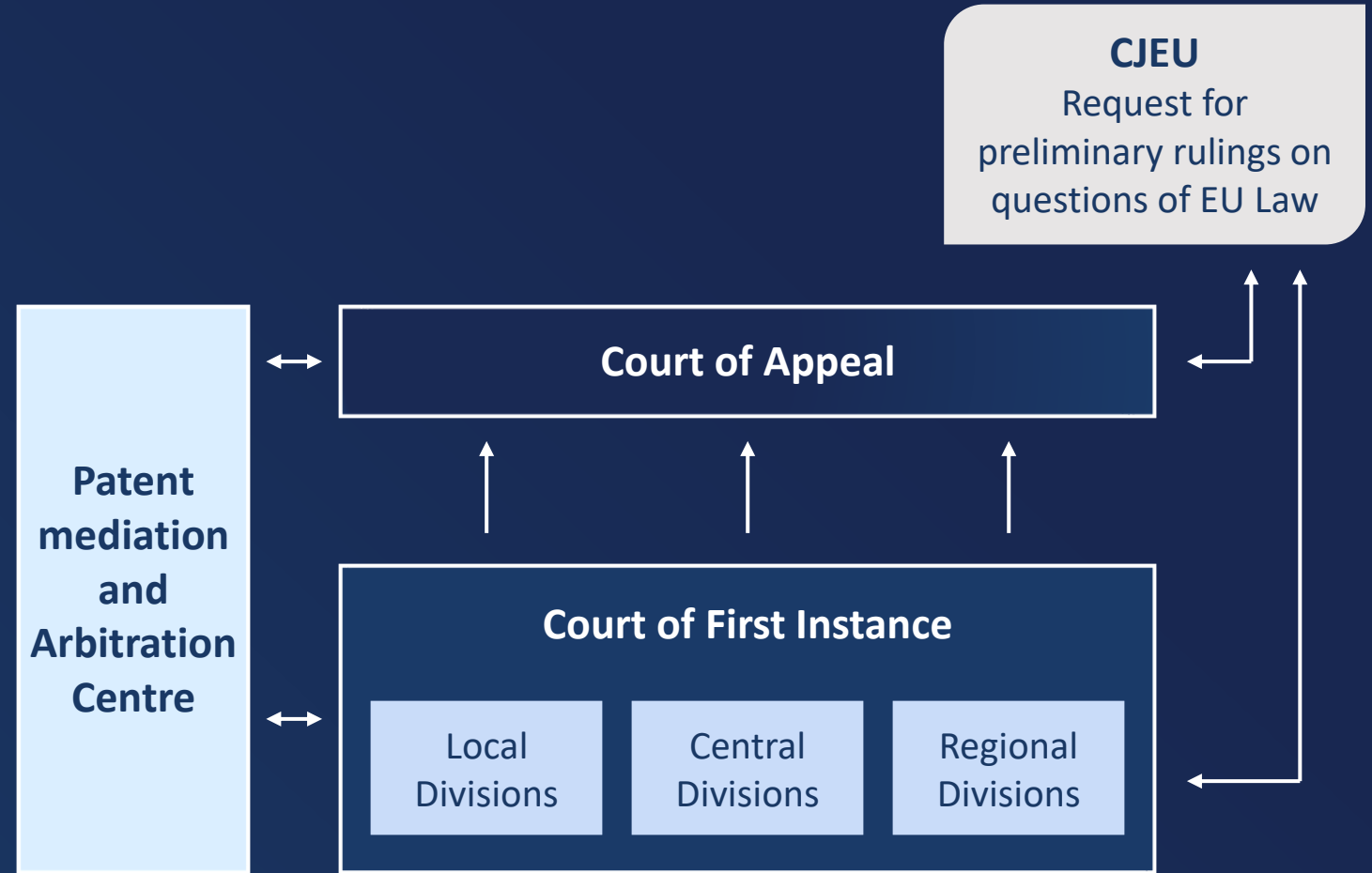
# Unified Patent Court

## Court common to currently 18 EU Member States

- AT, BE, BG, DE, DK, EE, FI, FR, IT, LV, LT, LU, MT, NL, PT, RO, SL, SE



# Structure of the UPC



# Jurisdiction

of the Unified Patent Court,  
as to the subject-matter

## Jurisdiction on the infringement and the validity of:

- a European patent (“classical European Patent” or “Bundle Patent”)
  - that has not been opted-out
- a European patent with Unitary Effect (“Unitary Patent”)

# International Jurisdiction

of the Unified Patent Court

**The UPC has jurisdiction on actions for the infringement of a European patent provided**

- the place of infringement is in a UPC State
- the seat of the defendant is in a UPC State
- the seat of one of a number of defendant is in a UPC State
  - provided the claims are so closely connected that it is expedient to hear and decide the claims together to avoid the risk of irreconcilable judgments

# International Jurisdiction

## of the Unified Patent Court

### The UPC has jurisdiction on

- actions/counterclaims for revocation of a European patent to the extent that it gives protection in a UPC State

### The UPC has no jurisdiction on

- actions/counterclaims for revocation of the EP to the extent that it gives protection in a non-UPC State
  - as to a non-UPC EU State (e.g. ES) or a Lugano Conv. State (e.g. CH): stay of infringement proceedings possible
  - as to a non-EU or non Lugano Conv. State (e.g. TR or UK): *inter partes*-ruling on the defence that the EP is invalid possible

CJEU, 25 Feb 2025 - C-339/22 – BSH/Electrolux; CJEU, 13 July 2006 – C-4/03 – GAT/LuK

# Statistics

## Court of First Instance

\*as of 31 August 2025

# 773

cases filed in the CFI\*

### 377 actions for infringement

- Local/Regional Divisions

### 216 counterclaims for revocation

- Local/Regional Divisions

### 70 actions for revocation

- Central Division (Paris seat or Milan or Munich section)

### 4 actions for declaration of non-infringement

- Central Division (Paris seat) and Local Division Munich

### 4 counterclaims for infringement

- Local/Regional Divisions

### 79 requests for provisional measures

- Local/Regional Divisions

### 17 requests for preserving evidence

- Local/Regional Divisions

### 6 request for inspection

- Local/Regional Divisions

# Composition of Panels

## Central Division

### Panel of 3 judges:

- 2 legally qualified judges from different Contracting Member States CMS
- 1 technically qualified judge

## Local/Regional Division

### Panel of 3 or 4 judges:

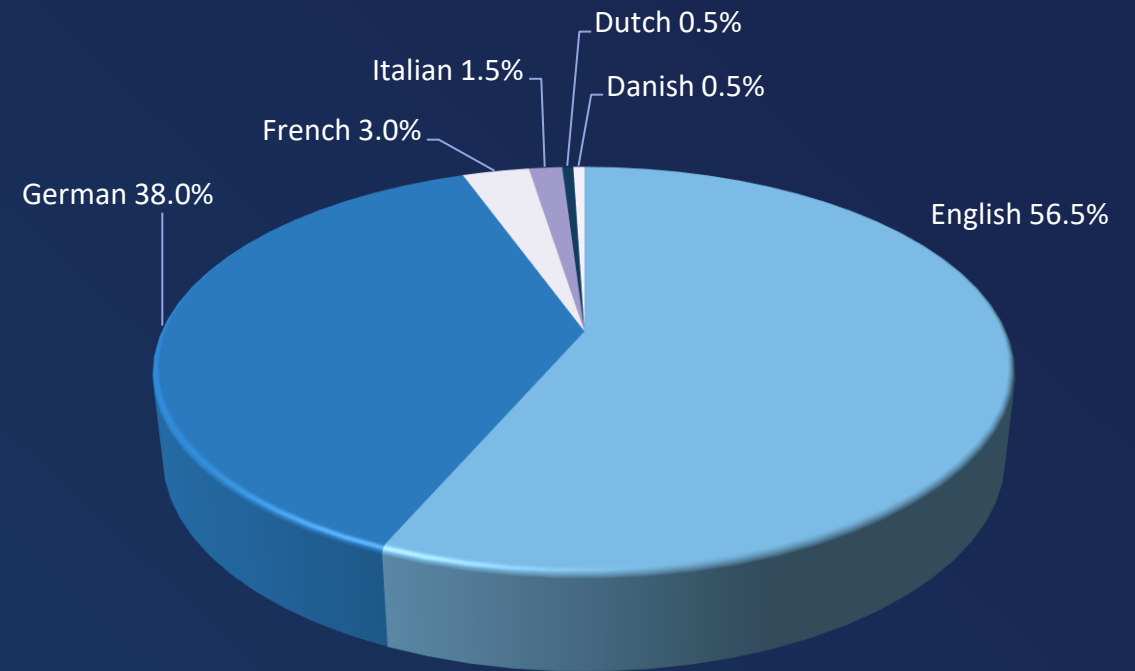
- 3 legally qualified judges partly from the CMS hosting the Local or Regional Division and partly from another CMS
- 1 technically qualified judge (in most cases)

## Court of Appeal

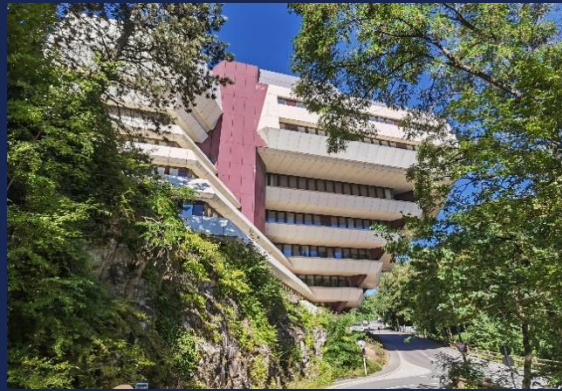
### Panel of 5 judges:

- 3 legally qualified judges
- 2 technically qualified judge

# Language of proceedings



as of 31 August 2025





# Thank you for your attention!

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