

# 21<sup>ST</sup> ANNUAL IP LAW & POLICY CONFERENCE FORDHAM

## Session 2B

### The European Unitary Patent and the Unified Patent Court

#### An Italian Perspective

Gabriel Cuonzo

*gcuonzo@trevisancuonzo.com*

Trevisan & Cuonzo  
Avvocati

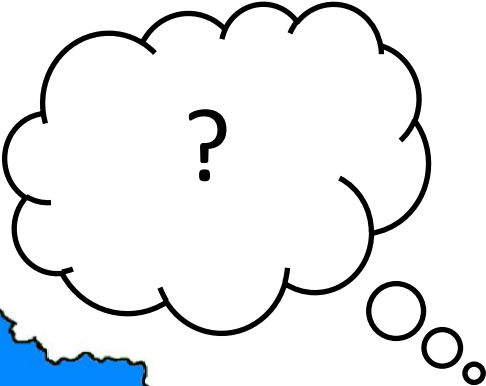
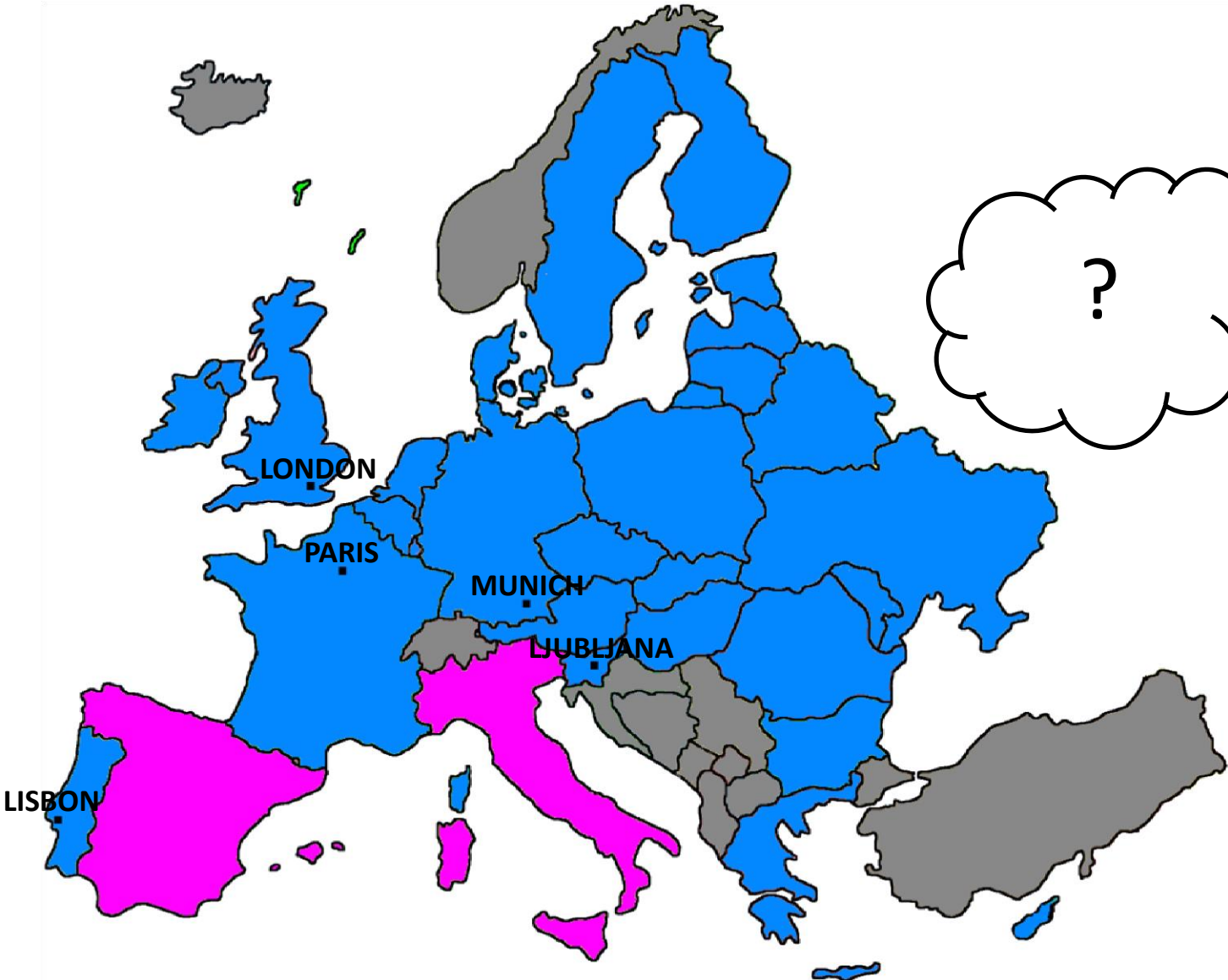
## ENHANCED COOPERATION ON THE CREATION OF UNITARY PATENT PROTECTION:

- **22 July 2011:** Italian application for the annulment of Council Decision 2011/167/EU of 10 March 2011 authorizing enhanced cooperation in the area of the creation of unitary patent protection.
- **11 December 2012:** negative opinion by the CJEU Advocate General.

## AGREEMENT ON A UNIFIED PATENT COURT

- **19 February 2013:** Italy signs the final version of the UPC Agreement.
- **Still to come:** ratification by the Italian Parliament and signature by the President of the Italian Republic.

# EUROPEAN PATENT PILGRIMAGE?



- 1) The UPC clearly favors litigation before the Central Divisions.**
- 2) Sophisticated players unlikely to use the Italian local division especially if there will be 2 nationals and 1 pooler.**
- 3) Increased costs (not to mention the cultural challenge) for Italian SMEs?**

# CRYSTAL BALLING

WILL THE ITALIAN PARLIAMENT RATIFY THE UPC?  
WILL ITALY JOIN THE ENHANCED COOPERATION?

COUNTRY	No. of SMEs (source Eucory Annual report on SMEs in the EU 2011/12)	EP filings 2012 ( <a href="http://www.epo.org">www.epo.org</a> )
<b>Italy</b>	<b>3,813,811</b>	<b>4,735</b>
Spain	2,470,979	2,526
France	2,377,297	12,159
Germany	2,086,667	34,167
United Kingdom	1,648,933	6,695

# ITALIAN PARLIAMENT AFTER THE 2013 ELECTIONS

