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26 JUNE 2020  
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## OPT OUT vs. OPT IN

*Procedure – criteria – strategy*

*A decision of the German Federal Constitutional Court on the constitutional complaint against the UPC has been announced to be delivered in the 1<sup>st</sup> quarter of 2020!*

- Status of “Unitary Patent” and UPC
- European Patent with Unitary Effect
- Unified Patent Court
- Comparison: National Courts vs. UPC
- Opt out in detail

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*Learn why you have to make your decision before the new systems will start!*

**AIMS AND OBJECTIVES** The future Unified Patent Court (UPC) will have jurisdiction over not only European Patents "with Unitary Effect", but also over traditional European Patents without this effect. If a patent owner wishes to avoid such jurisdiction, they have to "opt out" for the patents they wish to reserve for the national courts.

This seminar will give practitioners an understanding of the future "European Patent with Unitary Effect" and the Unified Patent Court (UPC). On the basis of a comparison between the present and the future system, this seminar will prepare attendees for their decision of whether or not to opt out. The attendees will learn about possible criteria for their decision-making and will discuss different case studies. Furthermore, they will be given key information on the procedure, deadlines, preparation and execution of an opt out.

## **WHO SHOULD ATTEND?**

- Members of Corporate Patent, IP and R&D departments
- Inhouse Legal Counsels
- Patent Attorneys
- Representatives before the EPO
- IPR Attorneys and external Counsels

You will meet colleagues from different European countries and will be able to network and profit from their experience and perspective.

## **AGENDA**

### ***Status of the "Unitary Patent" and the Unified Patent Court***

- Number of Ratifications
- Consequences of Brexit of the
- The Constitutional complaint before the German Federal Constitutional Court
- Timeline

### ***European Patent with Unitary Effect***

- Legal basis
- Grant of the patent
- Applicable law
- Scope of protection

### ***Unified Patent Court***

- Structure and Jurisdiction
- Introduction to Rules of Procedure
- Official languages to be used, judges to be expected
- Transitional period

### ***Comparison: National Courts vs. UPC***

- Duration of proceedings
- Costs and reimbursement of costs
- How "good" will the UPC work?

## *Opt out in detail*

- Procedure, deadlines
- Importance of the “sunrise period”
- Preparing the Opt out
  - Jointly owned patents
  - Many licensees
  - Registered vs. real owner of the patent
  - Authorization to file the opt out declaration
  - UPC database management system
  - Withdrawal of opt out, second opt out?

## *Strategy and possible criteria for your decision*

- Strength and importance of patent
- “If in doubt, opt out”

## *Dr. Ulrich Blumenröder, LL.M.*

*Attorney, Partner, GRÜNECKER  
Patent- und Rechtsanwälte, Munich*



Ulrich Blumenröder practices patent litigation in all German courts, notably the courts in Düsseldorf, Mannheim, and Munich. He has a long experience in cross-border litigation as well as organizing and conducting multi-national litigation and arbitration. He lectures on patent litigation at various institutions and international conferences across Europe, Asia and the US. Since 2012, Mr. Blumenröder has been focusing on the Unitary Patent and the Unified Patent Court. He also is a published author on the topic.

## **QUOTES FROM FORMER PARTICIPANTS**

- “Excellent“
- “Very useful“
- “Very good“
- “Shows his experience“
- “Small group, much interaction“
- “Supporting and useful documentation“

# ANNOUNCEMENT

## GERMAN PATENT INFRINGEMENT LITIGATION PROCEEDINGS

22 - 23 June 2020 in Munich  
Seminar code: 20 06 GP160

- Strategic aspects
- Prejudicial considerations
- Patent infringement litigation
- Update, discussion, networking
  
- **Gabriele Mohsler**  
Vice President Patent Development at  
IPR & Licensing, Ericsson, Stockholm
  
- **Dr. Klaus Grabinski**  
Judge, German Federal Court of Justice  
(Bundesgerichtshof), Karlsruhe
  
- **Dr. Christof Augenstein**  
Attorney, Partner, Kather-Augenstein  
Rechtsanwälte, Düsseldorf

## ANY QUESTIONS?

Don't hesitate to contact me. I am gladly at your disposal.

Stephan Haas, Managing Director

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## OPT OUT VS. OPT IN

REGISTRATION FAX: +49 6221 65033-29

### REGISTRATION FORM

NAME \_\_\_\_\_

**DATE**  
26 June 2020  
9 am – 5 pm  
Registration from 8:30

**VENUE**  
Platzl Hotel München  
Sparkassenstr. 10 · D-80331 Munich  
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FIRST NAME \_\_\_\_\_

**SEMINAR CODE 20 06 GP148 W**

POSITION / DEPARTMENT \_\_\_\_\_

**FEE**  
€ 990,- (+ 19% VAT). The fee includes  
conference documentation, refreshments,  
and lunch.

A limited number of rooms have been reserved at  
the conference hotel and are subject to availability.  
All bookings should be made directly with the hotel  
quoting the seminar to obtain a discounted fee.  
Participants are also free to choose any other hotel  
in Munich for their accommodation.

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An English version is available upon request.

