

Patent Jednolity oraz Jednolity Sąd Patentowy

Aspekty praktyczne w przeddzień wejścia w życie systemu

08. 12. 2022

Komisja ds. patentu jednolitego

Komisja ds. patentu jednolitego



POLSKA IZBA RZECZNIKÓW PATENTOWYCH

KOMISJA DS. PATENTU JEDNOLITEGO

Monika Chimiak	Przewodnicząca Komisji
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Joanna Dargiewicz	
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Oskar Gińko	
-------------	--

Marek Łazewski	
----------------	--

Bartosz Krakowiak	
-------------------	--

Paweł Kubski	
--------------	--

Marta Kawczyńska	
------------------	--

Aleksandra Zwolińska	
----------------------	--

Rafał Witek	
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Komisja ds. patentu jednolitego



*Belgia i Niderlandy

Informacje o patencie jednolitym



POLSKA IZBA RZECZNIKÓW PATENTOWYCH

ul. Żelazna 59 lok. 134, 00-848 Warszawa ■ tel./fax: +48 22 646-40-12 ■ e-mail: info@pirp.org.pl

SAMORZĄD



- Krajowy Zjazd Rzeczników Patentowych
- Prezes Polskiej Izby Rzeczników Patentowych
- Krajowa Rada Rzeczników Patentowych
- Komisja Rewizyjna
- Organy dyscyplinarne
- Okręgowe rady rzeczników patentowych
- Historia Samorządu
- Aktualności
- Film

RZECZNIICY PATENTOWI



- Listy:
 - KANCELARIE PATENTOWE
 - RZECZNIICY PATENTOWI
 - EUROPEJSCY RZECZNIICY PATENTOWI
 - BIEGLI SĄDOWI
 - PEŁNOMOCNICZY Z URZĘDU
 - APLIKANCI
- MOJE KONTO:
(nr, składka, OC, regulacje ...)
- Akademia PIRP,
- Aplikacja, Szkolenia, Wykłady, Transmisje
- Forum

PRAWO



- Prawo własności intelektualnej
- Prawo Samorządowe
- Uchwały
- Prace Legislacyjne
- Orzeczenia z zakresu własności przemysłowej
- Orzeczenia wydane w sprawach dyscyplinarnych
- Bazy:
 - Orzeczeń UPRP
 - Orzeczeń WSA i NSA
 - Orzeczeń gromadzonych przez EUIPO
 - Orzeczeń TSUE
- Patent jednolity

KONTAKT I INFORMACJE



- Biuro
- FAQ
- Przydatne adresy
- Wydawnictwa
- Kalendarz wydarzeń PIRP
- Polityka prywatności
- BIP

Informacje o patencie jednolitym



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ul. Żelazna 59 lok. 134, 00-848 Warszawa ▪ tel./fax: +48 22 646-40-12 ▪ e-mail: info@pirp.org.pl

Patent jednolity :

POROZUMIENIE w sprawie Jednolitego Sądu Patentowego (2013/C 175/01)

[zobacz więcej](#)

ROZPORZĄDZENIE PARLAMENTU EUROPEJSKIEGO I RADY (UE) NR 1257/2012 z dnia 17 grudnia 2012 r.

wprowadzające wzmocnioną współpracę w dziedzinie tworzenia jednolitego systemu ochrony patentowej

[zobacz więcej](#)

ROZPORZĄDZENIE RADY (UE) NR 1260/2012 z dnia 17 grudnia 2012 r.

wprowadzające wzmocnioną współpracę w dziedzinie tworzenia jednolitego systemu ochrony patentowej w odniesieniu do mających zastosowanie ustaleń dotyczących tłumaczeń

[zobacz więcej](#)

Przydatne linki

**Unitary Patent Guide Obtaining,
maintaining and managing Unitary Patents**
2nd edition, April 2022

[zobacz więcej](#)

Planowane szkolenia

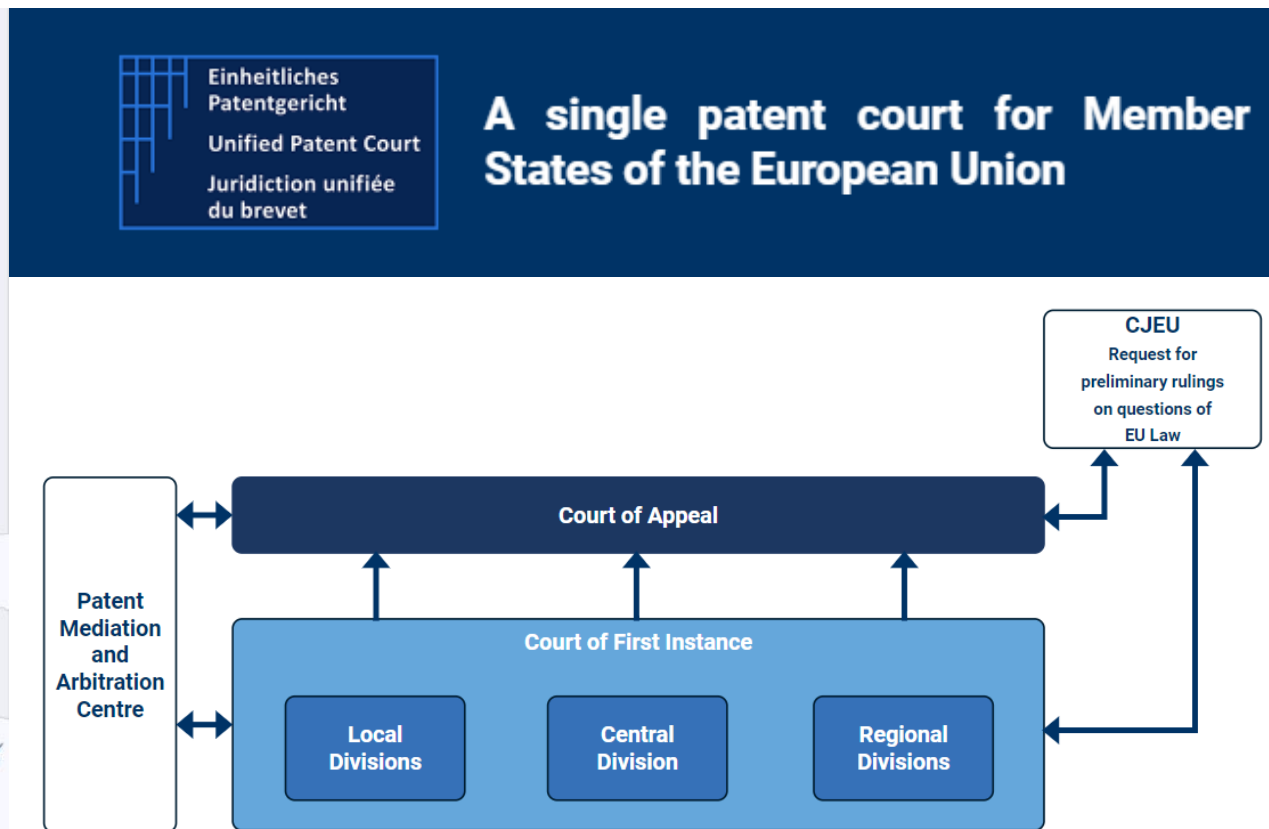
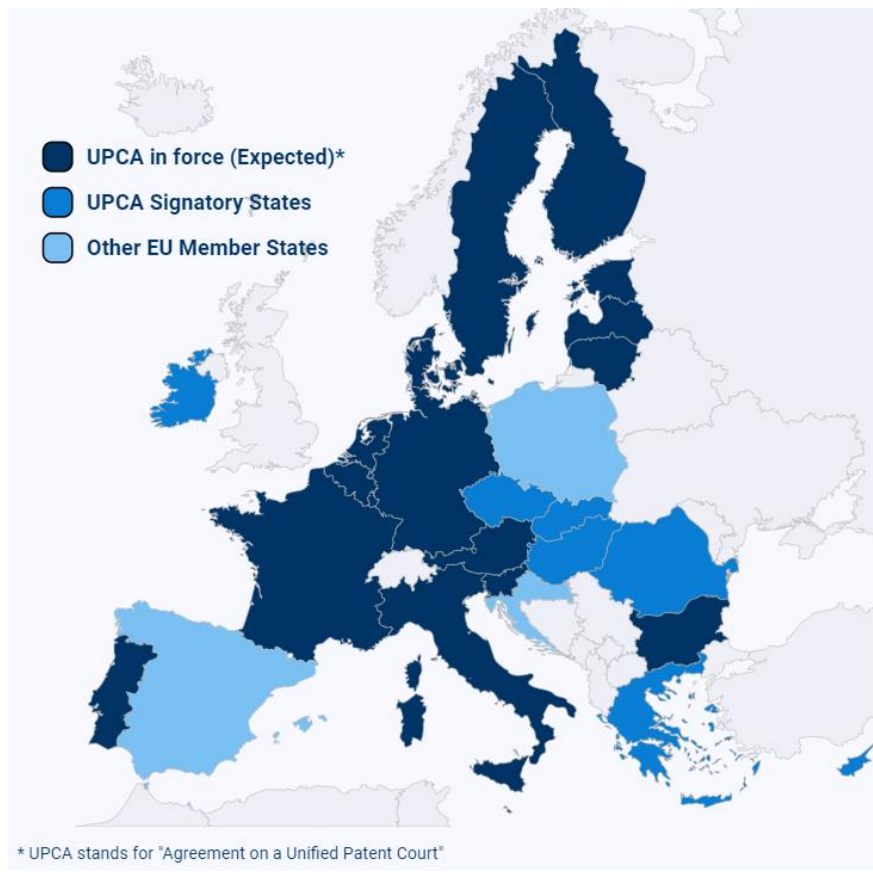


- I szkolenie – 8 Grudnia 2022
 - Tematy warte poruszenia z klientem?
 - Techniczne wymogi potrzebne do działania przed Jednolitym Sądem Patentowym (JSP)
 - Co można/warto zrobić w sprawie udzielonych patentów Europejskich?
Jak zrobić skutecznie opt-out?
- II szkolenie – 15 Grudnia 2022
 - Co zrobić w sprawie patentów w postępowaniu zgłoszeniowym przed EPO?
Wybór pomiędzy klasycznym patentem europejskim a patentem jednolitym?
 - Co każdy rzecznik musi wiedzieć o Jednolitym Sądem Patentowym

Wprowadzenie



Patent Jednolity oraz Jednolity Sąd Patentowy



Mianowanie Sędziów Jednolitego Sądu Patentowego



85 sędziów nominowanych

- **34 z kwalifikacjami prawnymi**
- **51 sędziów technicznych**
- **doświadczeni sędziowie**
- **Większość na część etatu**

Mr Klaus Grabinski (DE)
= President
of the Court of Appeal



Ms Florence Butin (FR)
= President
of the Court
of First Instance



Porozumienie o wymianie danych EUP – JSP



„a truly IT-driven, unified patent judiciary.”

Oczekiwane wydarzenia

- Przed 1 marca 2023
 - Testy systemu informatycznego
 - Zdeponowanie instrumentu ratyfikacyjnego przez DE
- 1 marca – 1 czerwca 2023 Sunrise Period
 - Rejestracja jako pełnomocnik w Jednolitym Sądzie Patentowym
 - Wczesny opt-out patentów europejskich
 - Opóźnienie postępowania po intention-to-grant
 - Wczesny wniosek o skutek jednolity
- Od 1 czerwca 2023 start systemu
 - Procesy przed Jednolitym Sądem Patentowym (orzecznictwo)
 - Wyznaczenie skutku jednolitego przed EPO
 - Opt-out i wycofanie opt-outu
 - Nowe ratyfikacje możliwe

Jakie znaczenie ma system patentu jednolitego dla naszych klientów?



- Polska poza systemem
 - Uzyskiwanie patentu w PL bez zmian
 - Spory na terenie PL bez zmian (patenty krajowe i walidowane EP)
 - Wprowadzenie do obrotu tylko w PL nie może być podstawą powództwa o naruszenie przed JSP
- Europejscy Rzecznicy Patentowi w Polsce częścią systemu
 - Reprezentacja przed EPO – nowe możliwości
 - Wnioskowanie o jednolity efekt patentu europejskiego
 - Wnoszenie opłat za okresy ochronne patentów jednolitych
 - Zmiany uprawnionych, itp. odnośnie patentu jednolitego
 - Możliwość zarządzania opt-out przed UPC
 - Możliwość działania jako pełnomocnik przed UPC (EPLC)

Tematy warte poruszenia z klientami

- Przegląd posiadanych praw
- Cele biznesowe spełniane przez te prawa
- Postrzegana przez klienta siła praw
- Planowane budżety na utrzymywanie praw w mocy
- Geograficzne zainteresowanie wyłączności

Cz. 2: Techniczne wymagania logowania



„You shall not pass”



To use the CMS, you need two certificates (provided by certain Qualified Trust Service Providers – QTSP under the eIDAS regulation):

- One certificate used for the authentication (required for the login):



- One certificate to electronically sign the documents you want to upload in the CMS:



Important to know:

- ONLY the authentication certificate must be stored on a physical device.
- The signature certificate could also be stored on this device, but it is not mandatory.

28.11.22' : Dostępna jest nowa wersja CMS



The Unified Patent Court provides more information about the start of the Sunrise Test Practice Period from November 28 until December 16, 2022

The Unified Patent Court invites external users to practice the CMS Sunrise functionalities starting from November 28, for a period of 3 weeks, until December 16 2022.

The Unified Patent Court invites external users to **practice the CMS Sunrise functionalities starting from November 28, for a period of 3 weeks, until December 16 2022.**

All tests will be carried out in the CMS test environment. This environment is a copy of the CMS production environment that will be launched in the Sunrise period.

Users can access the test environment using this link: <https://cerus.unified-patent-court.org/login>.

The aim of the CMS practice period is to validate that the CMS fits into the real world environment. In addition, It will allow users to test Sunrise CMS functionalities and confirm that all system components operate together and comply with legal and business requirements.

Testy Strong Authentication rozpoczną się 10 grudnia 2022 r.

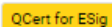
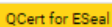
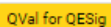
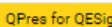
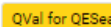
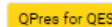
Kwalifikowani dostawcy usług zaufania w PL

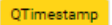
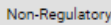


Trusted List Poland

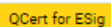
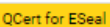
Trust service providers

Currently active trust service providers

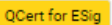
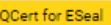
Asseco Data Systems S.A.      



ENIGMA Systemy Ochrony Informacji Sp. z o.o.     

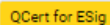
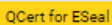


EuroCert Sp. z o.o.    

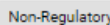


KFJ Inwestycje Sp. z o.o. 



Krajowa Izba Rozliczeniowa S.A.     

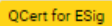
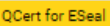
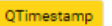
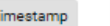


National Bank of Poland 



Poczta Polska S. A. 



Polish Security Printing Works    



Źródło: <https://esignature.ec.europa.eu/efda/tl-browser/#/screen/tl/PL>

Kwalifikowani dostawcy usług zaufania w PL



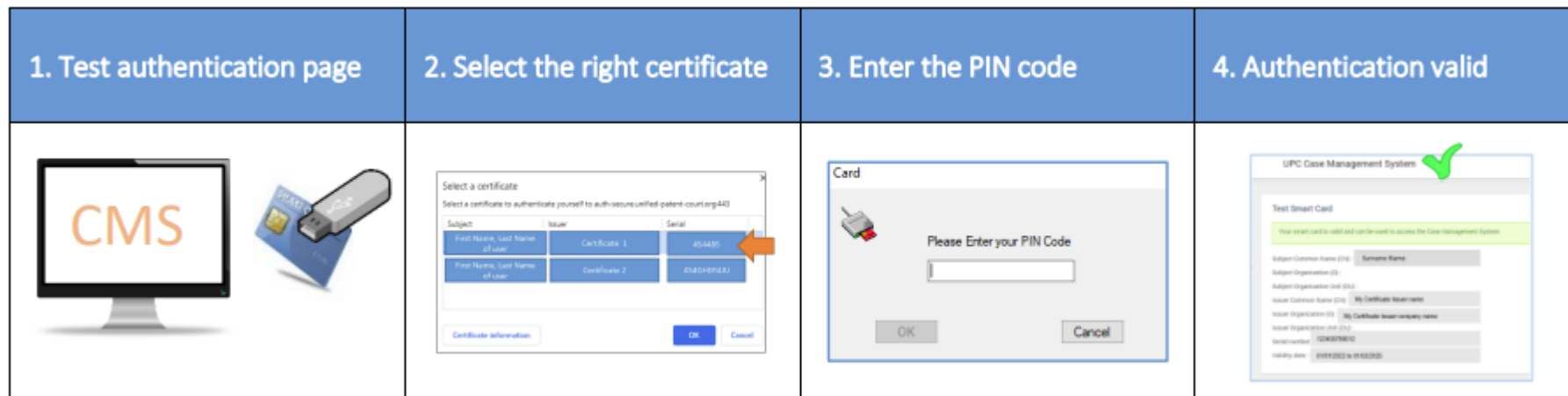
Country	Provider name and link	Client auth.	E Sign.	Cross border	Online auth.
 Luxembourg	Luxtrust	✓	✓	✓	✓
 The Netherlands	Digidentity B.V.	✗	✓	✓	✓
	KPN B.V.	✓			
	QuoVadis Trustlink B.V.	✓	✓		
	Ministerie van Defensie	✗	✗	✗	✗
 Norway	Buypass AS	✓	✓	✓	✗
 Poland	Asseco Data Systems S.A.	✓			
	Krajowa Izba Rozliczeniowa	✓	✓	✓	✓

Źródło: https://www.unified-patent-court.org/sites/default/files/upc_documents/upc-cms-strong-authentication-providers-feedback.pdf

Możliwość przetestowania swojego urządzenia



<https://auth-secure.unified-patent-court.org/test-smart-card>



Test my authentication device

The issuing Certification Authority of your smart card is not listed on the EU Trust Service List of approved certification authorities.

Subject Common Name (CN) : [REDACTED]
Subject Organization (O) :
Subject Organization Unit (OU) :
Issuer Common Name (CN) : European Patent Office CA 62
Issuer Organization (O) : European Patent Office
Issuer Organization Unit (OU) :
Serial number : [REDACTED]
Validity date : from 26/02/18 01:00:00 CET to 27/02/23 00:59:59 CET



Smart card EPO nie działa w CMS



Przydatne linki

Wersja testowa CMS:

<https://cerus.unified-patent-court.org/login>

Poradnik ze szczegółowymi informacjami o wymaganych certyfikatach:

https://www.unified-patent-court.org/sites/default/files/upc_documents/upc_-_strong_authentication_-_how_to.pdf

Lista dostawców usług uwierzytelnienia, którzy potwierdzili zapytanie JSP:

https://www.unified-patent-court.org/sites/default/files/upc_documents/upc-cms-strong-authentication-providers-feedback.pdf

Testowanie certyfikatów:

<https://auth-secure.unified-patent-court.org/test-smart-card>

Lista wszystkich kwalifikowanych dostawców usług zaufania:

<https://esignature.ec.europa.eu/efda/tl-browser/#/screen/tl/PL>

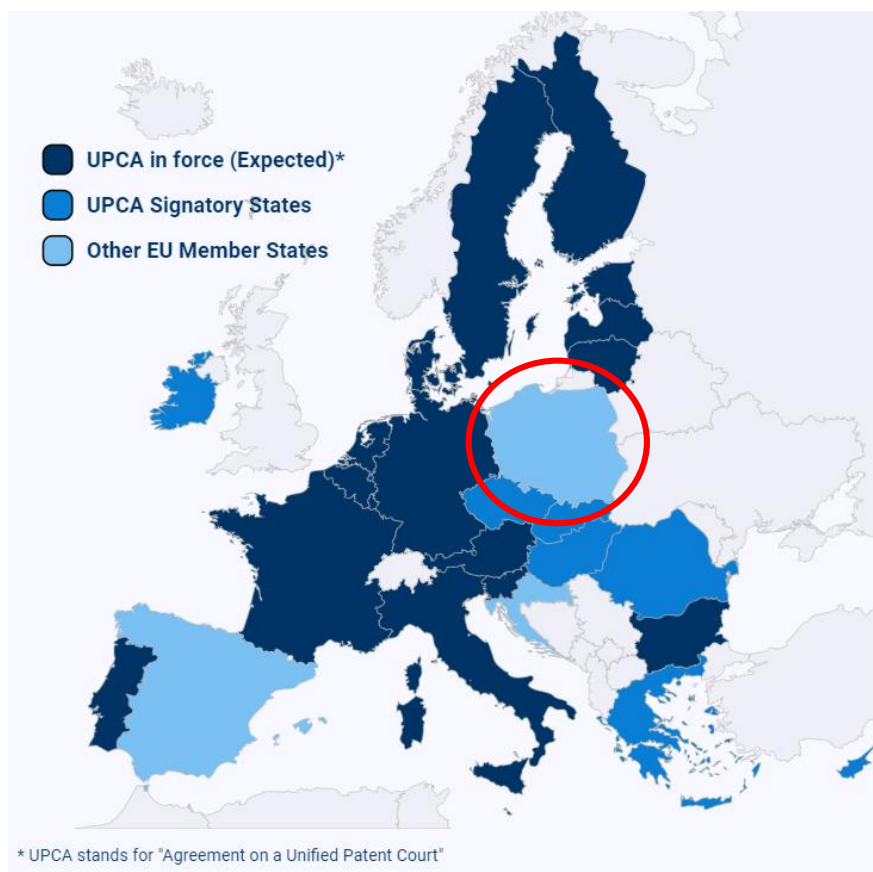
Często zadawane pytania:

<https://www.unified-patent-court.org/en/faq/cms-strong-authentication>

Cz. 3: Odstąpienie od kompetencji JSP (tzw. opt-out)



JSP będzie jedynym sądem właściwym dla wszystkich patentów europejskich (nie tylko tych jednolitych)



* UPCA stands for "Agreement on a Unified Patent Court"

ARTICLE 3 : Scope of application

This Agreement shall apply to any:

- (a) *European patent with unitary effect;*
- (b) *supplementary protection certificate issued for a product protected by a patent;*
- (c) *European patent which has not yet lapsed at the date of entry into force of this Agreement or was granted after that date, without prejudice to Article 83; and*
- (d) *European patent application which is pending at the date of entry into force of this Agreement or which is filed after that date, without prejudice to Article 83.*

ARTICLE 32: Competence of the Court

- (1) *The Court shall have exclusive competence in respect of:*
 - (a) *actions for actual or threatened infringements of patents and supplementary protection*
 - (b) *certificates and related defences, including counterclaims concerning licences;*
 - (c) *...*
- (2) *The national courts of the Contracting Member States shall remain competent for actions relating to patents and supplementary protection certificates which do not come within the exclusive competence of the Court.*

ARTICLE 2: Definitions

For the purposes of this Agreement: ...

- (g) *"Patent" means a European patent and/or a European patent with unitary effect.*

Zanim to ostatecznie nastąpi, przez okres przejściowy (min. 7 lat) JSP będzie koegzystował z sądami krajowymi

- W krajach członkowskich Porozumienia o JSP (ang. UPCA) przez min. 7 lat (+ potencjalnie następne 7 lat) , sądy krajowe będą dzieliły kompetencję z JSP w zakresie „klasycznych” patentów europejskich

ARTICLE 83: Transitional regime

(1) *During a transitional period of seven years after the date of entry into force of this Agreement, **an action for infringement or for revocation of a European patent** or an action for infringement or for declaration of invalidity of a supplementary protection certificate issued for a product protected by a European patent **may still be brought before national courts or other competent national authorities.***

- Wybór systemu (JSP vs sądy/organy krajowe) determinuje miejsce pierwszego powództwa np. o naruszenie lub unieważnienie danego patentu europejskiego na terenie jednego z krajów członkowskich UPCA
- Pierwszy atak przed JSP = JSP będzie miał wyłączną kompetencję dla danego patentu europejskiego
- Pierwszy atak przed sądem krajowym w kraju członkowskim, gdzie dany patent europejski jest w mocy = sądy / organy krajowe będą miały kompetencję dla tego patentu w pozostałych krajach

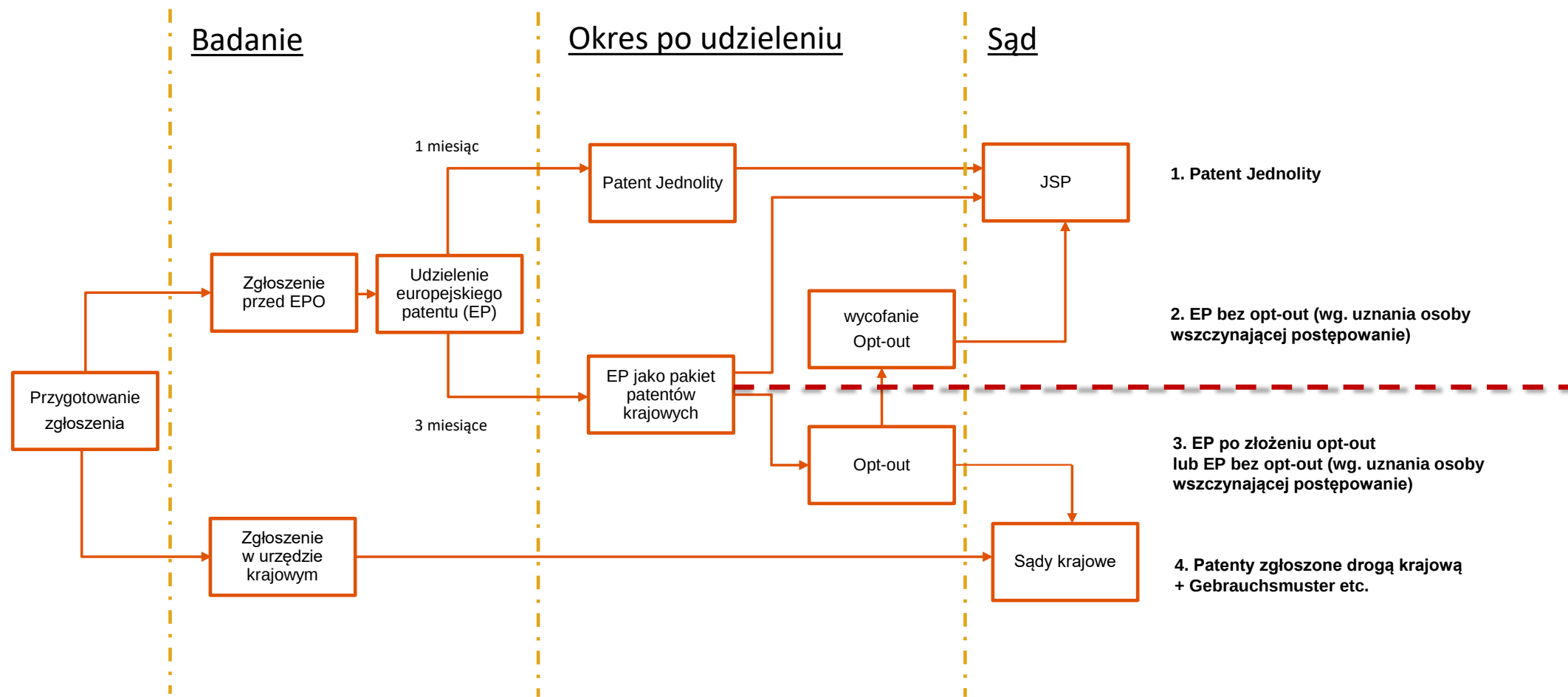
By uniknąć procedury przed JSP, dostępny będzie wniosek o odstąpienie (opt-out) od kompetencji JSP

- Opt-out będzie przysługiwał w okresie przejściowym tak długo, jak długo dany patent europejski nie stanie się przedmiotem sprawy przed JSP.
- By uniknąć masowych pozwów na dzień nr. 1, dany będzie tzw. **Okres Wschodu Słońca (Sunrise Period)**, który będzie trwał **3 miesiące przed rozpoczęciem systemu i będzie służył zgłaszaniu opt-out'ów**
- Opt-out będzie można jednorazowo wycofać (tzw. Opt-in), co spowoduje przywrócenie kompetencji JSP

ARTICLE 83: Transitional regime

- 3) *Unless an action has already been brought before the Court, a proprietor of or an applicant for a European patent (...) as well as a holder of a supplementary protection certificate (...) shall have the possibility to opt out from the exclusive competence of the Court. To this end they shall notify their Opt-out to the Registry by the latest one month before expiry of the transitional period. The Opt-out shall take effect upon its entry into the register.*
- 4) *Unless an action has already been brought before a national court, proprietors of or applicants for European patents or holders of supplementary protection certificates issued for a product protected by a European patent who made use of the opt-out in accordance with paragraph 3 shall be entitled to withdraw their Opt-out at any moment. In this event they shall notify the Registry accordingly. The withdrawal of the Opt-out shall take effect upon its entry into the register.*

Schemat kompetencji JSP vs. Sądów krajowych:



Opt-out należy rozważyć pod względem ryzyka sprawnego unieważnienia patentu przez JSP



- JSP będzie w teorii szybkim i wyspecjalizowanym sądem, w którym cała procedura ma trwać ok. roku, głównie online i prowadzona będzie przez doświadczonych i wyszkolonych sędziów



- Stwierdzenie nieważności patentu przez JSP będzie miało skutek we wszystkich krajach UPCA (tzw. ryzyko centralnego ataku)
- Koszty JSP porównywalne są do kosztów sądów krajowych niemieckich, ale z możliwością prowadzenia procedury po angielsku
- Z powyższych powodów zakłada się, że prawdopodobieństwo ataku przed JSP dla danego patentu będzie wyższe niż ataku przy obecnie istniejącym rozdrobnionym systemie odrębnych sądów krajowych
- Ponieważ będzie to nowy sąd, dodatkowym czynnikiem jest nieprzewidywalność

W przypadku silnych patentów europejskich, JSP może być atrakcyjną opcją dochodzenia praw z patentu



- Do unieważnienia, JSP będzie stosował orzecznictwo EPO.
- Zatem, dla patentu, który przetrwał tzw. opozycję (a zwłaszcza apelację po opozycji), prawdopodobieństwo unieważnienia przez JSP może być mniejsze niż w wielu systemach krajowych
- JSP oceniany jest jako system bardziej atrakcyjny dla inwestorów zagranicznych (szybkość, scentralizowana procedura w języku angielskim, atrakcyjny koszt, wyszkolenie i doświadczenie sędziów)
- Jego wyroki będą obowiązywały na terenie krajów, które nie posiadają doświadczonych sądów
- JSP oferuje wiele uproszczonych procedur np. dla nakładania i egzekwowania nakazów wstępnych (preliminary injunctions), oraz przeprowadzania procedur odkrywczych i pozyskiwania dowodów
- Fakt dokonania opt-out's może być widziany jako sygnał powątpiewania w siłę własnego patentu etc.

Opt-out i jego wycofanie (tzw. opt-in) określa Reg. 5 RoP



- Opt-out się zgłasza bezpośrednio do Rejestru JSP (nie do EPO!) przez interface CMS

Rule 5 – Lodging of an Application to opt out and withdrawal of an opt-out (Procedure)

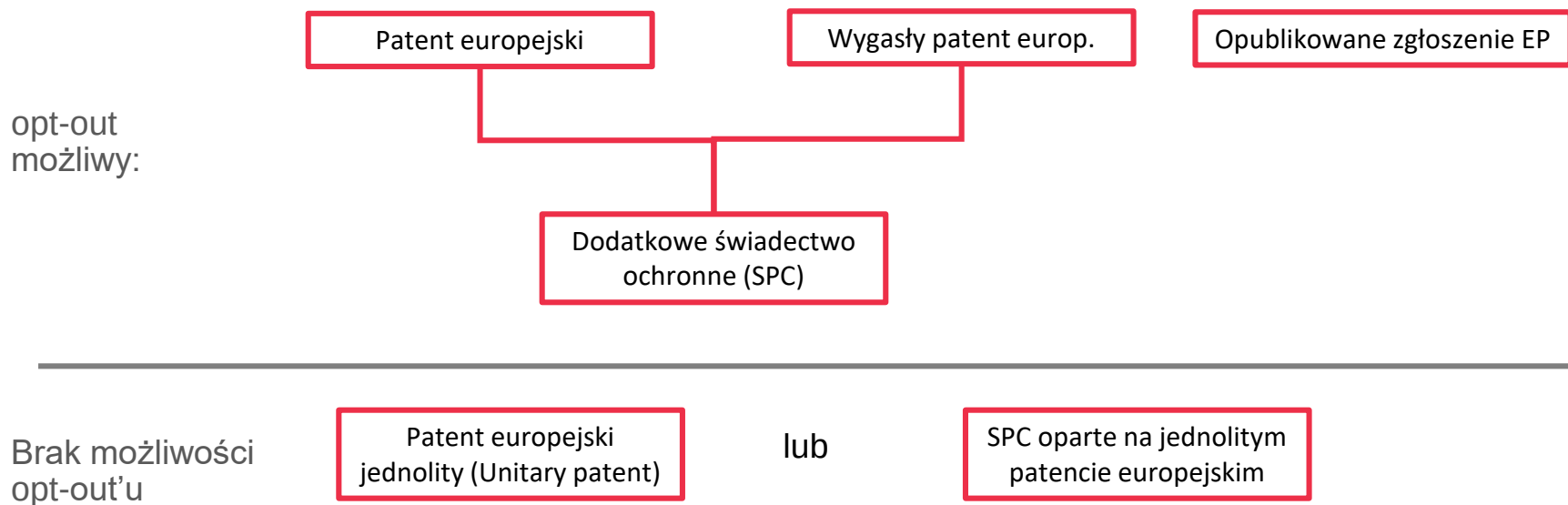
R5(1) Lodge application with UPC registry (simple electronic process)

*R5(1)(a) Where the patent or application is owned by two or more proprietors or applicants, **all proprietors** or applicants **shall lodge** the Application to opt out*

*R5(1)(b) The Application to opt out shall be made in respect of **all of the states** for which the European patent has been granted or which have been designated in the application*

*R5(12) **Applications accepted by the Registry before the entry into force of the Agreement** shall be **treated as entered** on the register **on the date of entry into force of the Agreement***

Opt-out i jego wycofanie (tzw. opt-in) określa Reg. 5 RoP



- Tylko prawowici właściciele mogą dokonać opt-out'u (przez pełnomocnika lub za upoważnieniem)
- Wszyscy właściciele muszą się na opt-out zgodzić
- Oświadczenie o uprawnieniu wymagane jeśli właściciel nie widnieje w rejestrach
- Licencjobiorcy nie mają możliwości zgłoszenia opt-out'u
- Idem dla SPC. Jeśli właściciel SPC inny niż patentu, oboje muszą wyrazić zgodę

Każda osoba może zgłosić opt-out do Rejestru JSP



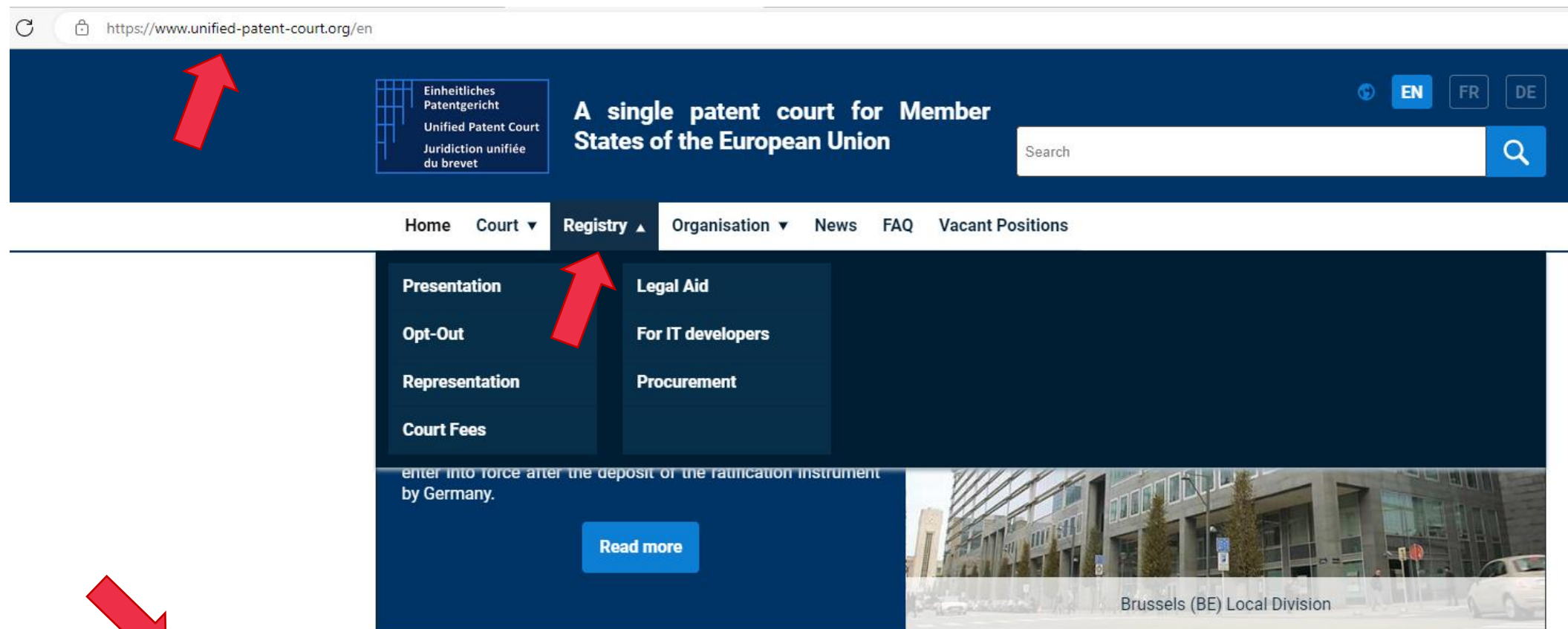
- Reprezentanci/Pełnomocnicy przed JSP określani w Art. 48 UPCA (w teorii) nie potrzebują upoważnienia od Klienta/Klientów do zgłoszenia opt-out'u
- Każda inna osoba zgłaszająca opt-out musi też złożyć przy jego składaniu podpisane upoważnienie/a (tzw. Mandate) od wszystkich właścicieli danego patentu (lub aplikacji lub SPC)
- Reg. 5 ust. 12 = opt-out'y zgłoszone podczas Sunrise Period będą uznawane jako zgłoszone na pierwszy dzień wejścia w życie UPCA
- Rejestr pełnomocników zostanie opublikowany „zaraz” po starcie systemu. Do wpisania na listę pełnomocników wydana będzie decyzja. Najprawdopodobniej, też na dzień wejścia w życie UPCA. A co jeśli nie albo jeśli nas na tej liście nie będzie? Zgłoszenie upoważnienia zabezpiecza tę sytuację

Opt-out i cała korespondencja dotycząca spraw przed JSP będzie przebiegać online przez CMS



- CMS (Case Management System) będzie służył do komunikacji z JSP
- Przez CMS będzie można zgłosić:
 - opt-out (+ API do bulk opt-out)
 - wycofanie opt-out (tzw. opt-in)
 - zakwestionowanie opt-out lub opt-in (R. 5A RoP)
 - procedura rejestracji pełnomocników
 - pozw, odpowiedzi etc.
- Konto może założyć każdy, będzie ono spersonalizowane, nie wygląda by można było założyć wspólne konto dla kilku użytkowników np. całej kancelarii (ze wzg. na silną autentykację)

CMS będzie dostępny przez stronę UPC



<https://secure.unified-patent-court.org/login>

(reaktywacja wraz z Sunrise)

CMS będzie dostępny przez stronę UPC



- Do tej pory dostępna była wersja beta (już nad nią nie pracują) a od 28 listopada udostępniono środowisko testowe pod: <https://cerus.unified-patent-court.org/login>
- od 10 do 16 grudnia dostęp do strony będzie opatrzony mocnym zabezpieczeniem
- Przed Sunrise, strona testowa ma być zdjęta, by nie zmylić użytkowników wraz z przywróceniem funkcjonalności strony właściwej CMS
- Dla przykładu, zgłosimy opt-out dla: *PRZYPADKOWO WYBRANYCH Z REJESTRU ZGŁOSZEŃ* EP3895296 (B1) oraz aplikacji EP3878081 (A), w którym *poza danymi z rejestru oraz częścią danych prezentującej, pokazane informacje wypełnione w formularzach są nieprawdziwe i użyte tylko w formie przykładu*

patent EP3895296 (B1) oraz aplikacja EP3878081 (A)



About this file: EP3878081

[Refine search](#) [↓ ST36](#) [Show history](#) [Espacenet](#) [Submit observations](#) [Report error](#) [Print](#)

EP3878081 - SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR [Right-click to bookmark this link]

Status Request for examination was made
Status updated on 13.08.2021
Database last updated on 05.12.2022

Most recent event [i](#) 22.11.2022 New entry: Renewal fee paid

About this file: EP3895296

[Refine search](#) [↓ ST36](#) [Show history](#) [Espacenet](#) [Submit observations](#) [Report error](#) [Print](#)

EP3895296 - ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE [Right-click to bookmark this link]

Status The patent has been granted
Status updated on 14.10.2022
Database last updated on 05.12.2022

Most recent event [i](#) 18.11.2022 Correction of patent specification published on 21.12.2022 [2022/51]



Preparing for Sunrise



This is the Case Management System of the Unified Patent Court.

This site is currently in the test phase.

Business enquiries relating to the Unified Patent Court can be addressed using the contacts form provided on the Court's site: <https://www.unified-patent-court.org/contact>.

Sign In

Email Address

zwolinska@nlo.eu

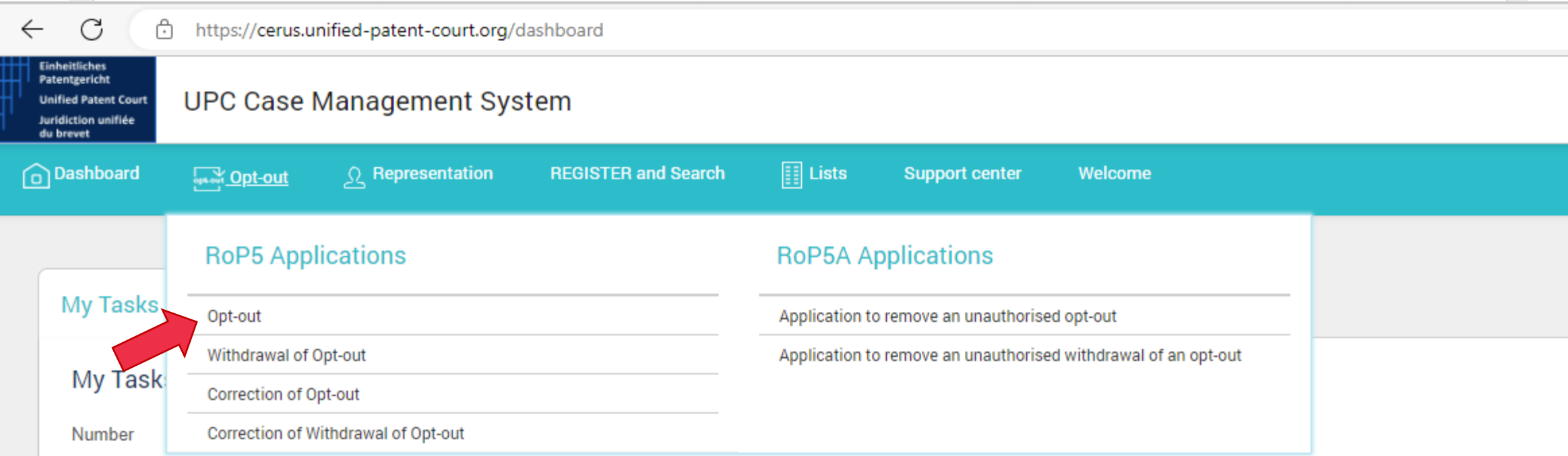
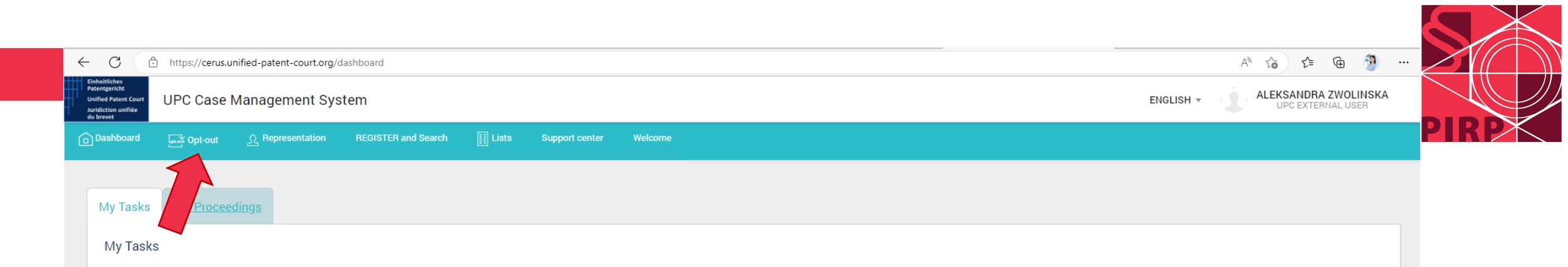
Password

.....

Sign In

 [Create Account](#)

 [Forgot Password](#)  [Sign In](#)





Opt Out a Patent

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

It is not possible to opt out a European patent with unitary effect. If unitary effect is given to a European patent based on the application to which this opt-out Application relates, the opt-out is deemed to be withdrawn from the date of grant of the patent pursuant to RoP5.9.

It is also not possible to opt out any patent/SPC which is the subject of a pending or prior action before the UPC.

The opt-out will be effective in respect of any SPC granted after the registration of this opt-out pursuant to RoP5.2(b).

An opt-out Application submitted before the date of entry into force of the Agreement on a UPC will be recorded but the opt-out will be treated as formally entered on the register of opt-outs and effective on the date of entry into force of the Agreement in accordance with Art.83.3 of the Agreement on a UPC and RoP5.12.

Following the lodging of the opt-out Application the relevant patent application number will be entered in the register and a receipt will be available on the CMS with details of the Application which will be available to the public.

A patent proprietor who wishes to opt out must complete this Application form and must separately lodge an opt-out document fulfilling all the requirements pursuant to RoP5.3. The opt-out Application must be lodged by or on behalf of all proprietors. A template is provided below.

The opt-out Application may be lodged on behalf of each patent proprietor by a registered user of the CMS who is authorised by all proprietors and all holders of SPCs to lodge the opt-out. Such user must declare in the opt-out Application that each patent proprietor is entitled to be registered as proprietor pursuant to RoP8.5.

If at the date of the opt-out one or more SPCs have been granted in respect of the patent each SPC holder, if different from the patent proprietor(s), must lodge or authorise the opt-out Application in addition to each patent proprietor. Such a patent must be opted out even if lapsed.

If the authorised user is a representative before the UPC in accordance with Art.48 of the Agreement on a UPC a mandate authorising the opt-out is not required. If the user is not such a representative a mandate from all patent proprietors and SPC holders must be lodged specifically authorising the opt-out. A template for the mandate is provided below.

A natural person who is the sole patent proprietor may lodge the opt-out Application without a mandate.

If the opt-out Application is lodged in respect of a patent which is the subject of an unauthorised opt-out an Application to remove that unauthorised opt-out will be automatically available when this opt-out is lodged.

Templates

It is possible to download templates:

[Template for the opt-out document](#) - this template sets out all information required to be lodged in your opt-out document

[Template for the mandate](#)

START

Szablony do wykonania opt-out oraz upoważnienia

OPT-OUT-DOCUMENT-TEMPLATE¶

(Note: Rule 5.3 requires the following information and declaration in respect of each patent/application/SPC listed below.)¶

EUROPEAN-PATENT-APPLICATION-DETAILS-(RoP-5.3)¶

(Note: This section must be repeated for each application the subject of this Application to opt out.)¶

PUBLICATION-NUMBER-of-the-European-Patent-Application-[.....]¶

Details-of-the-applicant(s)-for-the-patent¶

(Note: This "Details-of-the-applicant(s)" section must be repeated for each applicant.)¶

- Applicant: [.....]¶
- Postal address: [.....]¶
- Electronic address: [.....]¶

¶

EUROPEAN-PATENT-DETAILS-(RoP-5.3)¶

(Note: This section must be repeated for each European patent the subject of this Application to opt out.)¶

PUBLICATION-NUMBER-of-the-European-Patent-[.....]¶

Proprietor(s)-of-each-EPC-designation-/EPC-state-in-which-the-patent-has-been-granted¶

(Note: The proprietor(s) section must be repeated for each proprietor of the patent)¶

- Country abbreviation: [.....]¶
- Proprietor: [.....]¶
- Postal address: [.....]¶
- Electronic address: [.....]¶

¶

Details-of-each-granted-SPC-based-upon-each-of-the-patents-listed-above-(RoP-5.3(a)).¶

(Note: This section can be omitted if not applicable.)¶

- Country abbreviation: [.....]¶
- SPC Grant Number: [.....]¶
- Holder: [.....]¶
- (Note: The Holder section must be repeated for each holder of the SPC)¶
- Postal address: [.....]¶
- Electronic address: [.....]¶

PERSON-LOGGING-THIS-APPLICATION-TO-OPT-OUT-(RoP-5.3(b))¶

Details-of-the-person-logging-this-opt-out-on-behalf-of-each-proprietor-of-each-patent/application-listed-above-and-each-holder-of-an-SPC-based-on-each-such-patent.-(RoP-5.3(b)).¶

Name: [.....]¶
Company/Firm: [.....]¶
Postal address: [.....]¶
Electronic address: [.....]¶

- Status: -¶
(tick the applicable option)¶
- [...] Representative pursuant to Article 48 of the Agreement on a UPC¶
- [...] User authorised to file this opt-out with a mandate¶
- [...] Personal proprietor of each listed patent¶

¶

DECLARATION-(RoP-5.3(e))¶

The person logging this opt-out must provide the following declaration.¶

- [...] I hereby declare that each proprietor of each patent/application listed above is entitled to be registered pursuant to RoP 8.5.¶

Date [.....]¶

Signature [.....]¶

¶

Skreślić lub usunąć

Jak nie ma,
to usunąć

Skreślić lub usunąć

▪ Mandate for lodging an Application to opt-out / to withdraw an opt-out / to correct an opt-out / to correct a withdrawal of an opt-out pursuant to Rule 5 of the UPC Rules of Procedure ¶¶

¶¶
This mandate is valid from: [---date---] until: [---date---]. ¶¶

R. 5 RoP nie precyzuje potrzeby podania tej informacji

List each patent/application number: ¶¶

Patent-/Application-number¶	Proprietor/Applicant pursuant to Rule 8.5¶
¶	¶

¶¶
List each granted SPC: ¶¶

SPC-ID¶	Country¶	Holders¶	Patent-number¶
¶	¶	¶	¶

Jak nie ma, to usunąć

¶¶
The following person is authorised to lodge an Application to ¶¶

- ☐ opt-out ¶¶
- ☐ withdraw an opt-out ¶¶
- ☐ correct an opt-out ¶¶
- ☐ correct a withdrawal of an opt-out ¶¶

Najlepiej zaznaczyć wszystkie

¶¶
in respect of the patents/applications/SPCs referred to above on behalf of the above-mentioned proprietors/applicants/holders. ¶¶

¶¶
Person authorised ¶¶

Name → Position/Firm ¶¶
¶¶ → → → ¶¶

¶¶
Authorised by: ¶¶

Name → Position → Signature → Date ¶¶
¶¶ → → → → → ¶¶
¶¶



Application to opt out from the exclusive competence of the Unified Patent Court

In accordance with Article 83(3) UPCA and RoP 5.3, an opt-out from the exclusive competence of the UPC is hereby notified to its Registry with respect of the following:

European patent application details (RoP 5.3)

Publication number of the European Patent: EP3878081
Application:
Details of the applicant(s) for the patent: GE Energy Power Conversion Technology Ltd
Thomson Houston Way
Off Technology Drive
RUGBY
Warwickshire
CV21 1BD / GB

European patent details (RoP 5.3)

Publication number of the European Patent: EP3895296
Proprietor(s) of each EPC designation / EPC state in which the patent has been granted:
Country abbreviation: AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, ME, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR

Proprietor: GE Energy Power Conversion Technology Ltd
Thomson Houston Way
Off Technology Drive
RUGBY
Warwickshire
CV21 1BD / GB

Person lodging this application to opt out (RoP 5.3(b))

Details of the person lodging this application to opt out on behalf of each proprietor of each patent/application listed above (RoP 5.3(b)):
Name: Aleksandra Katarzyna Zwolińska
Company/Firm: Tyrell Corporation
Rue Voight-Kamoff 42
Postal address: 2019 Brussels
Belgium
Electronic address: zwolinska@nlo.eu
Status: [X] Representative pursuant to Ar. 48 of the Agreement on a UPC

Declaration (RoP 5.3(e))

[X] I hereby declare that each proprietor of each patent/application listed above is entitled to be registered pursuant to RoP 8.5.

Date: 08 December 2022
Signature:



Mandate for lodging an Application to opt out pursuant to Rule 5 of the UPC Rules of Procedure

This mandate is valid from 1-1-2023 until 1-1-2043.

This mandate is applicable for the following patent(s) / patent application(s):

Patent / Application numbers: EP3878081
EP3895296

Proprietor/Applicant pursuant to Rule 8.5: GE Energy Power Conversion Technology Ltd
Thomson Houston Way
Off Technology Drive
RUGBY
Warwickshire
CV21 1BD / GB

The following person is authorised to lodge an Application to
☒ opt out
☒ withdraw an opt-out
☒ correct an opt-out
☒ correct a withdrawal of an opt-out
in respect of the patents/applications referred to above on behalf of the above mentioned proprietors/applicants/holders.

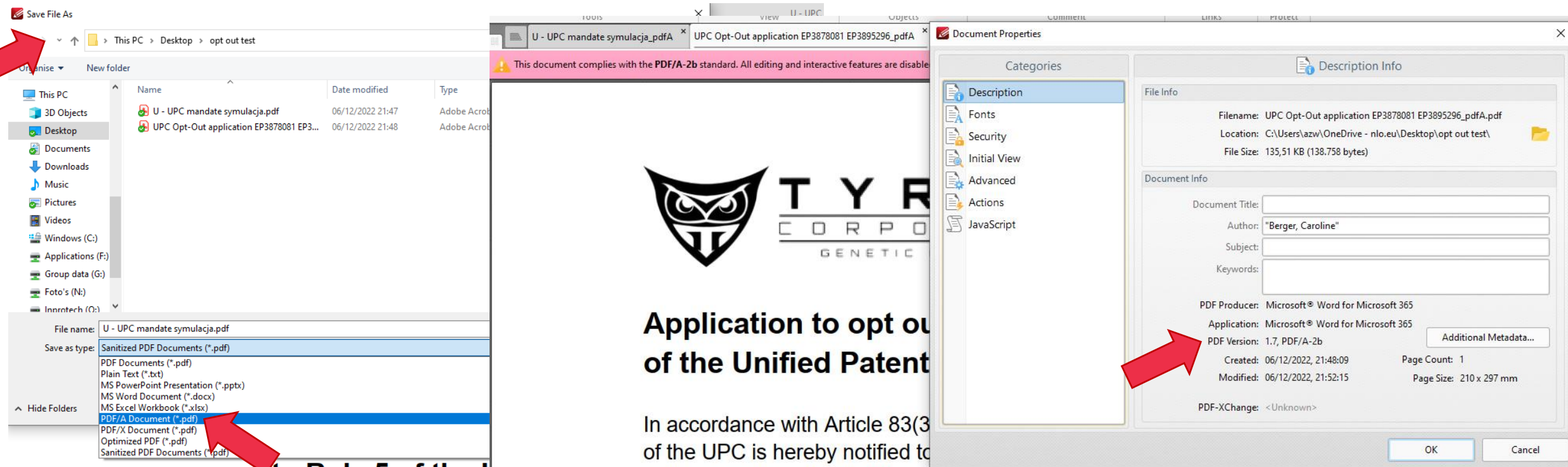
Person authorised

Name	Position/Firm
Aleksandra Katarzyna Zwolińska	Representative / Tyrell Corporation

Authorised by

Name	Position	Signature	Date
Rick Deckard	CEO at GE Energy Power Conversion Technology Ltd		06/12/2022

Dokumenty przesyłane przez CMS muszą być typu pdf/A



pursuant to Rule 5 of the U

This mandate is valid from 1-1-2023 un

This mandate is applicable for the follow

Patent / Application numbers: EP3878081
EP3895296

Application to opt out of the Unified Patent

In accordance with Article 83(3)
of the UPC is hereby notified to

European patent application details (RoP 5.3)

Publication number of the
European Patent
Application:

EP3878081



Opt Out a Patent

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

It is not possible to opt out a European patent with unitary effect. If unitary effect is given to a European patent based on the application to which this opt-out Application relates, the opt-out is deemed to be withdrawn from the date of grant of the patent pursuant to RoP5.9.

It is also not possible to opt out any patent/SPC which is the subject of a pending or prior action before the UPC.

The opt-out will be effective in respect of any SPC granted after the registration of this opt-out pursuant to RoP5.2(b).

An opt-out Application submitted before the date of entry into force of the Agreement on a UPC will be recorded but the opt-out will be treated as formally entered on the register of opt-outs and effective on the date of entry into force of the Agreement in accordance with Art.83.3 of the Agreement on a UPC and RoP5.12.

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A patent proprietor who wishes to opt out must complete this Application form and must separately lodge an opt-out document fulfilling all the requirements pursuant to RoP5.3. The opt-out Application must be lodged by or on behalf of all proprietors. A template is provided below.

The opt-out Application may be lodged on behalf of each patent proprietor by a registered user of the CMS who is authorised by all proprietors and all holders of SPCs to lodge the opt-out. Such user must declare in the opt-out Application that each patent proprietor is entitled to be registered as proprietor pursuant to RoP8.5.

If at the date of the opt-out one or more SPCs have been granted in respect of the patent each SPC holder, if different from the patent proprietor(s), must lodge or authorise the opt-out Application in addition to each patent proprietor. Such a patent must be opted out even if lapsed.

If the authorised user is a representative before the UPC in accordance with Art.48 of the Agreement on a UPC a mandate authorising the opt-out is not required. If the user is not such a representative a mandate from all patent proprietors and SPC holders must be lodged specifically authorising the opt-out. A template for the mandate is provided below.

A natural person who is the sole patent proprietor may lodge the opt-out Application without a mandate.

If the opt-out Application is lodged in respect of a patent which is the subject of an unauthorised opt-out an Application to remove that unauthorised opt-out will be automatically available when this opt-out is lodged.

Templates

It is possible to download templates:

[Template for the opt-out document](#) - this template sets out all information required to be lodged in your opt-out document

[Template for the mandate](#)



START

No. 7106 / 2022 

Opt-out



 Personal Details

[Overview](#) | [Documents](#) | [Activities Log](#) 

Personal Details - Opt-out - Opt-out - 7106 / 2022

The personal details provided in this form must also be included in the opt-out document as required by RoP5.3.
Person lodging this Application to opt out on behalf of each proprietor
* indicates required data

Data available in precompiled fields is retrieved from user profile and company data

First Name *	Aleksandra
Last Name *	Zwolińska
Company/Firm *	Tyrell Corporation
Contact e-mail *	zwolinska@nlo.eu
Postal address	
Street *	Rue Voight-Kampff 42
City *	Brussels
Postcode *	2019
Country *	Belgium 

Registered address (only for companies)
☒ Same as postal address

Case Reference

Internal case reference

Status of the person lodging the Application

Status of the person lodging the Application * 

-- Select

-- Select

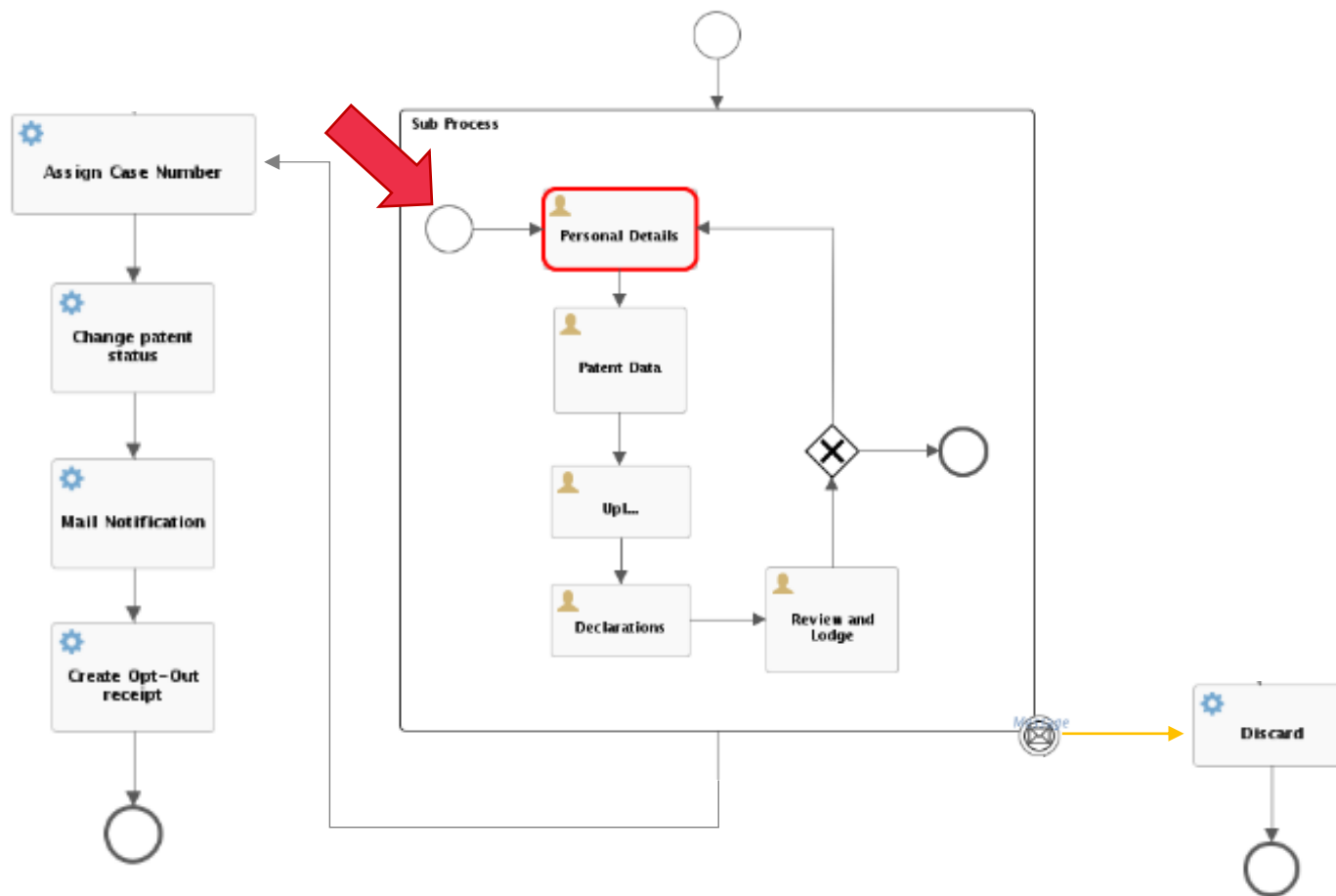
Registered representative before the UPC (Art. 48 UPCA)

Person authorised to lodge by a mandate

Proprietor/applicant/holder who is a natural person



Kroki wykonywane podczas procedury



Kroki wykonywane podczas procedury



Einheitliches
Patentgericht
Unified Patent Court
Juridiction unifiée
du brevet

UPC Case Management System

ENGLISH ▾

ALEKSANDRA ZWOLIŃSKA
UPC EXTERNAL USER

Dashboard

Opt-out

Representation

REGISTER and Search

Lists

Support center

Welcome

No. 7812 / 2022

Actions menu

Opt-out

Personal Details ✓

Patent Data

Overview

Personal details

Documents

Activities Log

Patent Data - Opt-out - Opt-out - 7812 / 2022

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

List of patents

Particulars of all proprietors and details of any granted SPC as required by RoP5.3 must be provided in the opt-out document to be lodged.
Select at least one patent

Select Patents

Cancel

Save

COMPLETE

Overview

Patents

Personal details

Documents

Activities Log

Person lodging the application

	No.	Person lodging the application
+	1	Aleksandra Zwolińska

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powered by Net Service S.p.A.



Opt-out



- Personal Details ✓
- Patent Data

- Overview
- Personal details
- Documents
- Activities Log



Patent Data - Opt-out - Opt-out - 7812 / 2022

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

Search the EPO database for each patent.

Patent Number

Search Results

Select the desired patent.

Patent no. ↕	Title	
EP3878081	SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR	Select

List of patents

Select at least one patent

Wyszukiwanie należy powtórzyć dla każdego zgłoszenia.
Poniżej wszystkich wybranych zgłoszeń, zapełni się lista, którą należy potwierdzić by przejść do kolejnego etapu



Patent Data - Opt-out - Opt-out - 7812 / 2022

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

Search the EPO database for each patent.

Patent Number

EP

0000001

Search 

Search Results

Select the desired patent.

Patent no. 	Title	
EP0000001	Thermal heat pump	Select

The patent subject of the Application is opted out.
It is possible to proceed with the Application to opt out but if you proceed and lodge the Application to opt out an Application to remove an unauthorised opt-out for the same patent will be automatically available and will have to be completed and lodged by you. Both Applications will be published at the same time.
NOTE: It is only possible to use the procedure to remove an unauthorised opt-out in respect of one patent already opted out. If you decide to proceed all other patents will be removed from the Application.

 Warning if patent is already opted out

The selected patent is opted out.

It is possible to proceed with the Application to opt out but if you proceed and lodge the Application to opt out an Application to remove an unauthorised opt-out for the same patent will be automatically available and will have to be completed and lodged by you. Both Applications will be published at the same time.

Select the procedure

-- Select



List of patents

2 results

Patent Number	Title		
EP3878081	SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR	▲Hide Detail	Remove
Data retrieved from the EPO on 06.12.2022			
Patent Number	EP3878081		
Title	SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR		
Applicant	GE Energy Power Conversion Technology Ltd		
Application reference	EP20190795574		
Filing date	04.11.2019		
Priority claim date			
Date of publication of the grant			
Designated States	AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR		
Classifications	IPC: 2021/36 id: CLASSIFICATION_18238646 H02K15/00, H02K17/16, H02K5/24, H02K1/28		
EP3895296	ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE	▲Hide Detail	Remove
Data retrieved from the EPO on 06.12.2022			
Patent Number	EP3895296		
Title	ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE		
Applicant	GE Energy Power Conversion Technology Ltd		
Application reference	EP20190817716		
Filing date	12.12.2019		
Priority claim date			
Date of publication of the grant	16.11.2022		
Designated States	AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR		
Classifications	IPC: 2021/41 id: CLASSIFICATION_18238935 H02K17/16		



Confirm Patents



-  Personal Details 
-  Patent Data

Patent Data - Opt-out - Opt-out - 7812 / 2022

In this guidance unless the context otherwise requires "patent" refers both to a granted patent and an application for a patent. Patent "proprietor" refers also to a patent applicant.

List of patents

Particulars of all proprietors and details of any granted SPC as required by RoP5.3 must be provided in the opt-out document to be lodged.
2 results

Patent Number	Title		
EP3878081	SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR	 Hide Detail	Remove
Patent Number EP3878081		Expand/Collapse detail	
 Tutaj można dodać dane SPC (w naszym przykładzie nie ma)		Insert SPC Data	
No details of SPCs have been added, yet.			
EP3895296	ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE	 Hide Detail	Remove
Patent Number EP3895296		Expand/Collapse detail	
Data retrieved from the EPO on 06.12.2022			
Title	ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE		
Applicant	GE Energy Power Conversion Technology Ltd		
Application reference	EP20190817716		
Filing date	12.12.2019		
Priority claim date			
Date of publication of the grant	16.11.2022		
Designated States	AL, AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HR, HU, IE, IS, IT, LI, LT, LU, LV, MC, MK, MT, NL, NO, PL, PT, RO, RS, SE, SI, SK, SM, TR		
Classifications	IPC: 2021/41		
	id: CLASSIFICATION_18238935		
	H02K17/16		
	H02K17/16		
 Tutaj można dodać dane SPC (w naszym przykładzie nie ma)		Insert SPC Data	
No details of SPCs have been added, yet.			

Select Patents

No. 7812 / 2022

Actions menu

Opt-out



- Personal Details ✓
- Patent Data ✓
- Upload Documents **TO DO**

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Overview

Patents

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Documents

Activities Log

Proceeding number	7812
Proceeding Type	Opt-out
Documents	0
Internal Reference	Nexus-6

Case Data

Status of the person lodging the Application Registered representative before the UPC (Art. 48 UPCA)

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Document description Formal response to the Order of the Court

Language * Pleading

Request

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Document Type * Application

File name * Choose File UPC Opt-Out application...81 EP3895296_pdfA.pdf

Document Title * Opt-out for all EPs

Document description Opt out for EP3878081 EP3895296

Language * English

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Documents

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Document Title	Title	Files	Document Type
Opt-out for all EPs	Opt out for EP3878081 EP3895296	UPC Opt-Out application EP3878081 EP3895296_pdfA.pdf English	Application
Mandate issued for the person lodging the opt-out	As a precautionary measure, a Mandate is hereby provided in case the proof of entitlement to act as a representative for the person lodging the opt-out is not considered before the start of the system	U - UPC mandate symulacja_pdfA.pdf English	Mandate

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Case Data

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Opt-out	1	Mandate issued for the person lodging the opt-out - Mandate - English Opt-out for all EPs - Application - English	

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Declarations - Opt-out - Opt-out - 7812 / 2022



The person lodging this Opt-out confirms that the information required by RoP5.3(a), (b), (c) and (d) is provided in the document uploaded for each patent listed below and that the opt-out document also contains the declaration that the details of each proprietor/applicant provided pursuant to RoP5.3(a) are the details of each person entitled to be registered pursuant to RoP8.5.

List of patents

EP3878081

EP3895296

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Proceeding number	7812
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Case Data

Status of the person lodging the Application

Registered representative before the UPC (Art. 48 UPCA)

Review and Lodge - Opt-out - Opt-out - 7812 / 2022

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Stage	Title	Title	Type	Additional Information	Language
Opt-out	Mandate	As a precautionary measure, a Mandate is hereby provided in case the proof of entitlement to act as a representative for the person lodging the opt-out is not considered before the start of the system	Mandate		English
Opt-out	Opt-out for all EPs	Opt out for EP3878081 EP3895296	Application		English

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Calendar

Jeśli wybrane zostanie „review & edit” cały proces się powtórzy



No. UPC_APP_7812/2022

Actions menu

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Registry Number	UPC_APP_7812/2022
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Case Data

Status of the person lodging the Application	Registered representative before the UPC (Art. 48 UPCA)
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Official Case Dates

Date of receipt / effective lodging	06/12/22 23:20:15 CET
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EP3878081

This patent was opted out on 06/12/22 23:20:16 CET

	Number	Proceeding	Date of lodging	Outcome
+	UPC_APP_7812/2022	Opt-out	06/12/22 23:20:15 CET	N/A

EP3895296

This patent was opted out on 06/12/22 23:20:16 CET

	Number	Proceeding	Date of lodging	Outcome
+	UPC_APP_7812/2022	Opt-out	06/12/22 23:20:15 CET	N/A

Communication from UPC - Application no. 7812/2022



upc-cms-sa@unifiedpatentcourt
To: Zwolińska, Aleksandra



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Dear Applicant

Your Application for an opt-out was received and was registered under the number 7812/2022.

A formal receipt is available to download in your case file. Your case may be accessed on the UPC CMS site <https://cerus.unified-patent-court.org>.

Best regards
UPC Staff

Niuanse..

[Overview](#)[Patents](#)[Personal details](#)[Documents](#)[Activities Log](#)[Opt-out status](#)**EP3878081**

This patent was opted out on 06/12/22 23:20:16 CET

	Number	Proceeding	Date of lodging	Outcome
-	UPC_APP_7812/2022	Opt-out	06/12/22 23:20:15 CET	N/A
	Stage	Date of creation	Language	Documents
	Opt-out	06/12/22 23:20:15 CET		Mandate issued for the person lodging the opt-out - Mandate - English Opt-out for all EPs - Application - English Opt-Out Receipt - receipt - English

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EP3895296

This patent was opted out on 06/12/22 23:20:16 CET

	Number	Proceeding	Date of lodging	Outcome
+	UPC_APP_7812/2022	Opt-out	06/12/22 23:20:15 CET	N/A

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Acknowledgement of Opt-out from the exclusive competence of the Unified Patent Court

Date Of Issue

Date of issue of this document 06/12/2022

Application No. 7812/2022

Document lodged application

Date of lodging 06/12/2022

Internal Reference Nexus-6

Person lodging the Application

Status of the person lodging the Application Registered representative before the UPC

Name Aleksandra Zwolińska

Electronic address zwolinska@nlo.eu

Postal address Rue Voight-Kampff 42 - 2019 - Brussels - BE

List of patents / applications for patents / SPCs

Patent no.	Patent details
EP3878081	Description at the EPO * <i>SQUIRREL-CAGE ROTOR AND ASYNCHRONOUS ELECTRICAL MACHINE HAVING SUCH A ROTOR</i> Applicant at the EPO * <i>GE Energy Power Conversion Technology Ltd</i> Retrieval date *06/12/2022
EP3895296	Description at the EPO * <i>ROTOR FOR A SQUIRREL-CAGE ASYNCHRONOUS ROTATING ELECTRICAL MACHINE AND ASSOCIATED ROTATING MACHINE</i> Applicant at the EPO * <i>GE Energy Power Conversion Technology Ltd</i> Retrieval date *06/12/2022

* Date of retrieval of official data from the EPO.

No SPC details provided

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Patent no.

SPC details

SPC Grant Number

National designations



Acknowledgement of Opt-out from the exclusive competence of the Unified Patent Court

Declarations

The person lodging this Application on behalf of each proprietor/applicant/holder hereby declares to be a Representative before the UPC.

The person lodging this Opt-out confirms that the information required by RoP5.3(a), (b), (c) and (d) is provided in the document uploaded for each patent listed below and that the opt-out document also contains the declaration that the details of the proprietor provided pursuant to RoP5.3(a) are the details of each person entitled to be registered pursuant to RoP8.5.

Patent no.	Proprietorship
EP3878081	Details required by Rule 5.3(a) in respect of each person entitled to be registered pursuant to Rule 8.5 have been provided
EP3895296	Details required by Rule 5.3(a) in respect of each person entitled to be registered pursuant to Rule 8.5 have been provided

Uploaded Documents

File name	File details	Language
U - UPC mandate symulacja.pdfA.pdf	Title Mandate issued for the person lodging the opt-out Description As a precautionary measure, a Mandate is hereby provided in case the proof of entitlement to act as a representative for the person lodging the opt-out is not considered before the start of the system Type mandate	English
UPC Opt-Out application EP3878081 EP3895296.pdfA.pdf	Title Opt-out for all EPs Description Opt out for EP3878081 EP3895296 Type application	English

Wszystkie patenty udzielone przez EPO będą podlegały JSP na terytorium krajów członkowskich UPCA



- Przez 7 lat od wejście UPCA w życie, Klient będzie miał wybór pomiędzy:
 1. scentralizowaną procedurą przed JSP dotyczącą naruszenia/ważności we wszystkich stanach UPCA, lub
 2. oddzielnym postępowaniem w każdym kraju przed lokalnym sądem i lokalnym przedstawicielem
- Zgłaszając opt-out, dokonujemy definitywnego wyboru opcji 2
- Opt-out będzie dostępny dla EP i SPC przez co najmniej 7 lat (+ 7 lat ext.) okresu przejściowego, a będzie można go zgłaszać w okresie Wschodu Słońca (od 01.03.2023)
- Opt-out można wycofać — ale tylko raz (tzw. Opt-in). Nie ma możliwości ponownego odstąpienia.
- W przypadku SILNYCH patentów, pozostanie w systemie JSP wydaje się korzystne, ponieważ daje właścicielowi patentu potężniejszą broń.
- W przypadku SŁABYCH patentów: opt-out wydaje się być wskazany, gdyż tryb krajowy zniechęca do rozpoczynania pozwów w kilku jurysdykcjach naraz, więc zmniejsza ryzyko utraty wielu patentów

Dziękujemy za uwagę



Zapraszamy do kontaktu:

 Komisja ds. patentu jednolitego

email do kontaktu: anna.gebska@pirp.org.pl