



## **SEA Europe's Statement on the Importance of the Unitary Patent System for the Maritime Technology Industry**

### **SEA Europe calls upon policy makers to reinforce the efforts in overcoming the challenges and ensuring a rapid entry into force of the Unitary Patent System**

SEA Europe represents about 300 shipyards and 22 000 equipment and technology manufacturers and suppliers which generate an annual production value of € 112.5 billion and provide 1 million jobs along the whole supply chain in Europe.

European shipyards and maritime technology providers form a research-intensive manufacturing industry which invests 9% of its turnover in R&I and delivers the most advanced maritime technologies, ships and offshore structures in the global market. In order to maintain a leading innovator position and competitiveness in the global market, the industry needs to count on a strong, reliable and accessible patent system. In this regard, the **Unitary Patent (UP) and Unified Patent Court (UPC) would strongly reinforce the European patent system by improving legal certainty, simplifying and economising the procedures.**

Recent developments which might put on hold, once again, the establishment of the Unitary Patent System, have created a strong concern among companies all over Europe. Under these circumstances **SEA Europe wants to recall the importance of the Unitary Patent system for the European maritime technology industry.**

### **Why is the Unitary Patent System important for the maritime technology industry?**

The creation of the Unitary Patent (UP) and the Unified Patent Court (UPC) will strengthen the existing European patent system making it simpler and more cost-effective.

**Unitary Patents** will make it possible to get patent protection in up to 25 EU Member States by submitting a single request to the EPO, avoiding the need of registering a patent in several countries. An EPO Study published in 2017 estimated that overall costs would be cut by 70%, reducing the costs for users and facilitating the access to the European market of innovation and technology for SMEs, universities and research centres.

**The Unified Patent Court (UPC)** is an international court set up by participating EU Member States to deal with the infringement and validity of both Unitary Patents and European patents, putting an end to costly parallel litigation in different member states, enhancing legal certainty and avoiding diverging decisions from national courts.

**The UP and UPC would highly benefit those maritime technology companies with patents in several EU member states, minimising their costs and administrative burdens. It would also attract SMEs**

**and other companies to protect their knowledge stimulating R&I and boost growth and competitiveness of the European maritime technology industry.**

#### **Enforcement and applicability**

The EU regulations establishing the Unitary Patent system (No 1257/2012 and No 1260/2012) entered into force on 20 January 2013, but they will only apply as from the date of entry into force of the UPC Agreement.

The entry into force of the UPC is pending on the formal ratification of Germany which was expected by the end of 2020. However, a recent decision of the German Court ruling that the ratification of the Unified Patent Court (UPC) would be unconstitutional has brought new uncertainty regarding the applicability of the UPC. In this regard, **SEA Europe welcomes the statement of the German Federal Ministry of Justice and Consumer Protection to continue its support for the introduction of the Unitary Patent system in Europe.**

On the other hand, **Brexit has resulted in additional burdens for the establishment of the UP/UPC.** Despite the UK ratified the UPC Agreement in April 2018, **on 27<sup>th</sup> February 2020 it was announced that the UK will not join the UP/UPC.** In this regard, SEA Europe regrets the announcement of the UK as its participation is of utmost importance to maximise the economic benefit and uptake of the new system by companies and inventors both from the EU and UK. In fact, litigation in the UK is known to be the most expensive in Europe and is hardly accessible to SMEs.

#### **In conclusion:**

SEA Europe wants to state its **firm support to the Unitary Patent System and wishes that negotiations between Member States will find a way forward to the ratification and implementation of the Unitary Patent and Unitary Patent Court as soon as possible.** Besides there are political and legal issues to be overcome, reinforcing the European patent system is of utmost importance in order to stimulate R&I, boost growth and competitiveness of the European maritime technology industry. Even more in the current situation with the threat of economic recession and the strong impact of the COVID-19 pandemic is expected to have in the sector. In this line, SEA Europe strongly supports the recent statement of the European Patent Office President, António Campinos, saying that *"employment and growth are predicted to suffer badly in the aftermath of the Coronavirus. So it's important that now, more than ever before, measures are taken to support our industries. And we know that the UP and UPC can indeed provide that support, with reduced costs, simplified administration and greater legal certainty."* (source: European Patent Office, News, 27.03.2020).

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