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Patentanwälte Rechtsanwälte mbB

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Court of Justice of the European Union (CJEU) rejects Spain´s revocation actions against the Unitary Patent Regulation (EU) No. 1257/2012 (C-146/13) and the Translation Arrangements Regulation (EU) No. 1260/2012 (C-147/13):

According to the Judgments of the CJEU of May 5, 2015 the two regulations forming part of the "Unitary Patent package" comply with European law and therefore Spain´s actions are dismissed.

In a nutshell the CJEU argues in response to Spain´s action:

1. Regulation 1257/2012 does not conflict with the system of the European Patent Convention (EPC). The regulation does not affect the application and examination procedure of an European Patent. The regulation only attributes to European patents an additional characteristic, namely unitary effect, without affecting the procedure regulated by the Convention.
2. Uniform protection can be ensured in the Unitary Patent System. Each European patent will be subject to the national law of a single Member State and that legislation will apply throughout the territory of the Member States participating in the enhanced cooperation. Any reference to national laws by the European Legislature is permitted when uniform protection is ensured on the territory of the participating Member states.
3. The choice of languages as foreseen in regulation 1260/2012 and any discriminatory effect in this respect is justified as the choice of languages pursues a legitimate objective and is appropriate and proportionate because it enables a significant reduction in translation costs. Furthermore, legal certainty is better safeguarded when less or even one language is authoritative.

A press release summarizing the opinion may be found under:

<http://curia.europa.eu/jcms/upload/docs/application/pdf/2015-05/cp150049en.pdf>

We will update you about further developments and are happy to answer your questions.

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