Hansjörg Kley
European Patent Attorney
UID: CHE-302.718.966
Aeckerwiesenstrasse 9
CH – 8400 Winterthur

Tel +41 52 226 00 00 E-Mail <u>Hansjoerg@kley.ch</u>

#### Lodging of «opt out applications» with the Unified Patent Court UPC

2 June 2023

#### 1 Background

The entry into force of the UPCA<sup>1</sup> was on June 1<sup>st</sup> 2023.

With the date June 1st 2023 the so-called «sunrise period» of three months ended on May 31st 2023.

Existing European Patents and existing supplementary protection certificates SPC issued for a product protected by a European patent as well as pending European patent applications can be excluded (= «to opt out») from the exclusive competence of the UPC<sup>2</sup> in accordance with Article 83(3) of the UPCA.

It is still possible to opt out European patent as well as pending European patent applications.

A lodging of «opt out applications» has be done via a CMS<sup>3</sup> of the UPC via a strong authentication <u>and</u> with Qualified Digital Signatures in accordance with the requirements of the Regulation EU 910/2014 (eIDAS Regulation<sup>4</sup>).

During the «sunrise period» H. Kley lodged in the role of a person authorized by the holder(s) of EP-Titles opt-out applications for over 230 EP-Titles (European Patents, European Patent Applications).

#### 2 Offer

H. Kley is equipped with a valid SmartCard for accessing the CMS via a strong authentication of the UPC.

H. Kley has contractual relationships with two different Trust Service Providers based in EU Member States for a Qualified Signature in accordance with the requirements of the EU 910/2014.

H. Kley offers «opt out applications» of European Patents and European Patent Applications pursuant RoP Rule 5<sup>5</sup>.

Included in this offer are services for

- withdrawal of an opt-out,
- correction of an opt-out and
- correction of a withdrawal of an opt-out

as far as this is specified in a mandate and ordered by a holder (=patentee/applicant).

### 3 Scope of Services and Service Charges

Within the Service Charges annexed the following services are included:

- prefilling the form «Mandate» for lodging a «opt out application» ready for signature by a holder,
- preparing a mandatory «opt out document» based on the «Mandate» and signing the «Opt-out document» by H. Kley with a Qualified Signature in accordance with EU 910/2014;
- lodging the «Mandate» (signed by the holder in handwritten in ink) and lodging the «opt-out document» together with the corresponding EP-Publication numbers.

<sup>3</sup> CMS Content Management System

<sup>&</sup>lt;sup>1</sup> UPCA Agreement on a Unified Patent Court

<sup>&</sup>lt;sup>2</sup> UPC Unified Patent Court

<sup>&</sup>lt;sup>4</sup> eIDAS electronic IDentification, Authentication and trust Services

<sup>&</sup>lt;sup>5</sup> ROP Rules of Procedure as of September 1, 2022

## Lodging of «opt out applications» with the Unified Patent Court UPC

2 June 2023

# 4 General Conditions for «opt out applications» to pursuant RoP Rule 5

- 4.1 The service charges are VAT-free, as H. Kley is not liable for VAT.
- 4.2 H. Kley is registered as self-employed with the SVA ZH<sup>6</sup> under the number NM8.435. This ensures that legal entities domiciled in Switzerland as clients do not encounter problems due to a possible «work relationship in disguise» in the event of an AHV audit.
- 4.3 Any additional efforts regarding deficiencies of the information given by a holder are charged additionally.
- 4.4 The service charges indicated below for lodging «opt out applications» with two or more holders are subject of a special agreement.
- 4.5 Orders for applications to opt out for European Patents with supplementary protection certificates SPC based on said European Patents are not be accepted.
- 4.6 Further information on order processing can be found at <a href="https://kley.ch/kanzlei/">https://kley.ch/kanzlei/</a>.

## 5 Address, contact data

 Hansjörg Kley
 Tel
 +41 52 226 00 00

 European Patent Attorney
 Fax
 +41 52 226 00 09

 UID: CHE-302.718.966
 E-Mail
 Hansjoerg@kley.ch

Aeckerwiesenstrasse 9 CH – 8400 Winterthur

# Service Charges

Number of EP- Titles of the same holder	Service Charge in EUR and CHF until 31.05.2023	Service Charge in EUR and in CHF as from 02.06.2023	Reduction in %	Per EP-Title in EUR or CHF
1	260,00	200,00	23%	200,00
2	400,00	300,00	25%	150,00
3	530,00	380,00	28%	126,67
4	650,00	460,00	29%	115,00
5	770,00	530,00	31%	106,00
6	890,00	600,00	33%	100,00
7	1'000,00	660,00	34%	94,29
8	1'110,00	720,00	35%	90,00
9	1'220,00	780,00	36%	86,67
10	1'320,00	840,00	36%	84,00
Any additional ED	Title will be abarred	with an additional ar	mount of Cl	JE 60 00

Any additional EP-Title will be charged with an additional amount of CHF 60,00

<sup>&</sup>lt;sup>6</sup> Sozialversicherungsanstalt des Kantons Zürich