

**New Article 5a of the Regulation on Unitary Patent Protection Regulation
(to replace Articles 6 to 9 UPP Regulation dated 17 Dec 2012, PE-CONS 72/1/11)**

Article 5a

- Uniform Protection -

1. The European patent with unitary effect shall confer on its proprietor the right to prevent any third party from committing acts against which the patent provides protection throughout the territories of the participating Member States in which the patent has unitary effect, subject to applicable limitations.
2. The scope of this right and its limitations shall be uniform in all participating Member States in which the patent has unitary effect.
3. The acts against which the patent provides protection referred to in paragraph 1 and the applicable limitations shall be those defined by the law applied to European patents with unitary effect in the participating Member State whose national law is applicable to the European patent with unitary effect as an object of property in accordance with Article 10.
4. In the report referred to in Article 20(1) the Commission shall evaluate the functioning of the applicable limitations and, where necessary, shall make appropriate proposals.

**New Recitals 9 and 10 of the Regulation on Unitary Patent Protection
(to replace Recitals 9 and 10 UPP Regulation dated 17 Dec 2012, PE-CONS 72/1/11)**

- (9) The European patent with unitary effect should confer on its proprietor the right to prevent any third party from committing acts against which the patent provides protection. This should be ensured through the establishment of a Unified Patent Court. In matters not covered by this Regulation or by Council Regulation No .../2012 implementing enhanced cooperation in the area of the creation of unitary patent protection with regards to the application translation arrangements, the provisions of the EPC, the Agreement on a Unified Patent Court, including its provisions defining the scope of the right and its limitations, and national law including rules of private international law shall apply.
- (10) In the report referred to in Article 20(1) of this regulation the Commission shall evaluate the functioning of the applicable additional limitations and, where necessary, shall make appropriate proposals, taking account of the contribution of the patent system to innovation and technological progress, the legitimate interests of third parties or overriding interests of society. The Agreement on a Unified Patent Court does not preclude the European Union from exercising its powers in this field.