

#### Introduction

The UPC is currently working on improving the functionality for the Correction of an opted out patent, **as concerns the correction of supplementary protection certificate (SPC) data.** The goal of this improvement is to reflect SPC data in the correction workflow on the Case Management System (CMS) and not only on the uploaded application form and thereby to be more easily accessible on the CMS front end and included in the receipt of the correction.

The aim of this document is to:

(1) inform users on the **current workflow** regarding corrections of SPC data, until improvement has been implemented, and

(2) to inform 3<sup>rd</sup> parties of the current process to consult corrected data.

UPC is working on a more suitable implementation within the CMS and on a plan to update the Registry of corrected SPCs. More details on improvement of the correction workflow will be communicated in due time.



### I. <u>Current workflow for correcting SPC data of an opted-out patent-</u>

### Precondition(s)

<u>Please note you must have filed a valid opt-out</u> (either via API or via the CMS Front End), including relevant SPC data.

Guidance: please follow the steps below:

1) Select the application "Correction of Opt-Out" within the menu

Dashboard	Representation	REGISTER and Search	Opt-out	Lists	Support center	
RoP5 Applie Opt-out	cations		RoP5 Appl RoP5 Appl		Applications	
Withdrawal of an	Opt-out					
Correction of an (	Opt-out	2				
Correction of Witl	hdrawal of an Opt-out					

- 1. Select the "RoP5 and RoP5A Applications" menu and the submenu "RoP5 Applications"
- 2. Within this submenu, select the item "Correction of an opt-out"



2) Enter the patent number (EP number) of the opted-out patent you would like to correct (1) and click start (2)

Dashboard Representation RI	EGISTER and Search	Opt-out Lists	Support center			
Correction of an Opt-out (RoP5.	5)					
In this guidance unless the context otherwise to a patent applicant.	e requires "patent" refers t	both to a granted patent i	and an application for a patent. Patent "proprieto	refers also		
A proprietor of a patent who wishes to correct	ct an opt-out in addition to	completing this Applicati	on form must lodge a correction of opt-out docur	ent.		
The correction of opt-out document and any	mandate must be lodged	in pdf readable format.				
A correction of an opt-out may be lodged by Such user must declare in the correction of a	a registered user of the C an opt-out document that e	MS who is authorised by each proprietor is entitled	all proprietors and all holders of SPCs to lodge I to be registered as proprietor pursuant to RoP8	he correction. 5.		
If the authorised user is a representative bef required. If the user is not such a representa correction in question.	fore the UPC in accordanc stive a mandate from all pr	e with Art.48 of the Agree oprietors and holders of :	ement on a UPC a mandate authorising the corre SPCs must also be lodged specifically authorisin	ction is not ; the		
A natural person who is the sole proprietor of	of a patent may lodge the c	correction without a mand	fate.			
A correction of an opt-out must be lodged in	respect of each patent wh	ere the opt-out data was	incorrect.			
Full and correct details as required by RoP5	3 must be included in the	correction.				
It is not possible to correct the patent number	er in the original opt-out. In	this case a new applicat	tion to opt out must be lodged with the correct nu	nber.		
It is possible to correct all other details in the	e original opt-out.					
Following the lodging of the correction of the Details of the corrected registration will be an Application to opt out if the omission or error corrections the opt-out shall be effective from	a opt-out the date of correct valiable to the public in the r the subject of the correction.	ction will be recorded in the a correction of the opt-our ion would have been obv	he opt-out register and an email acknowledgeme t document. The opt-out remains effective from t rious to the reasonable third party at that date. Fo	t will be sent. e date of the r all other		
Templates						
It is possible to download the following temp	lates from the "Templates"	column on the right:				
Template for the correction of an opt-out do	ocument - this template se	rts out all information rec	quired to be lodged in your document for the cor	ection of an opt-out		
remplate for the mandate	Patent Number	EP	0067145	0000	66666	2
				666		START
				The patent lo enter a c	l for which you want orrection of opt-out	to

3) Enter all the personal details (you may correct data as necessary) (1) and press complete (2)

Bashboard Representation REDISTER and Search Opt out Lists Support center		
No. 68123 / 2023 Actions menu		Related Proceedings     Calendar
Correction pursuant to RoP5.5	Detection Protects Documents Optical status	*
	Personal Details - Correction pursuant to RoP5.5 - Correction of an opt-out - 68123 / 2023	
Personal Details	The personal details provided in this form must also be included in the document for the correction of an opt-out as required by RoP5.3.	
	Person lodging this application to correct an opt-out on behalf of each proprietor. * Indicates required data	
	First Name * John	
	Last name * DOE	
	Company/Firm myCompany	
	Contact o-mail * john.doetjimyemail.com	
	Postal Address	
	Address " Mystreet	
	City" MyCity City	
	Postcode * MyPostCode	
	Country * Germany *	
	Registered address (for companies)	
	Same as postal address	
	Internal case reference	
	Internal Reference	
	Status of the person lodging the Application	
	Status of the person lodging the Application " Registered representative before the UPC (Art. 48 UPCA) v	
		Cancel Save COMPLETE
		(and



## 4) Upload the Application Form (correction template) reflecting the corrected SPC data

	Extract of the Application Form – Corrected One				
	EUROPEAN PATENT DETAILS (RoP5.1(b), RoP5.3(a) and (c))				
	(Note: This section must be repeated for each European patent subject of this Application to correct an opt-out.)				
	Proprietor(s) for each EPC state for which the patent has been granted				
Upload document - Correction pursuant to RoP5.5 - CORRECTION_OF_OPT_OUT - 68123 / 2023	Country abbreviation: [ DE, FR, GB. ]				
The name of the file. It must contain only letters from A to Z (upper or lower case), digits, white spaces and . ( ) - or _	Proprietor: [ John DOE ] Postal address: [ John DOE's street, 45 ] Electronic address: [ John doe@myemail.com ]				
* indicates required data					
Document Type: Application This document must be lodged in searchable pdf format (PDF/A). Pleading:/Applications/Request electronically.	Details of each granted SPC based upon each of the patents listed above (BoPS.3(a) and (di) (Note: This section can be another if not explicible) Country abbreviation: AUSTRIA SPC Grant Number: [#152586 Hostin: [] [] [] [] [] [] [] [] [] [] [] [] []				
File nar 1 Choose File No file chosen Each document to be uploaded must have a different file name. This includes a redicated version or a translation of a document.	Postal address: ] Electronic address: [ ]				
3 Document Title * Max. 120 characters allowed for the Document Title	•				
Correction of my previous Optout CASE 67621/2023 - Correction Max. 250 characters allowed for the Description An appropriate description and sepropriate any physical object. Max. 450 characters allowed for the Description and the provided for any physical object.	We recommend to "highlight" the change(s) / correction(s) you want to introduced				
Language Concel Complete	4				

- 1. Select and upload the filled-in Application Form template (Correction of an opt-out) in PDF/A format and electronically signed;
- 2. Select "Application" as document type
- 3. Optional: enter description of document (do not hesitate to add some comments about the intended correction)
- 4. Click on "Complete"



We recommend you to highlight the corrected data within the filled-in template



After the "correction" of your opt-out, the following situation can be depicted [the information below is for illustration purposes only]

Please note that even if the information on the SPC is neither displayed on the correction receipt generated by the CMS nor on the CMS front end (in the tab "patents") the legally valid information, as corrected, will be contained in the filled-in correction template, which is uploaded in step 4) above.





# II. Current process on consulting corrected SPC data

- 1. Enter the relevant patent number
- 2. Click on Search button
- 3. Within the list, you may select the information on the "original" opt-outed out patent, which will display the SPC data as originally provided.

							Are th	ere any action of patent ?	a given		
Dankboard Representation RECOUTER and Search Op Opt-Out/Withdrawal of an Opt-out Application Search	pt-out Lists Support ce	der							1		
to not not preferation to beside hadron the data of perceiption form of	Patent Number	ge Optied out		0067145	d effective on the date o	Fantry into from	of the Encoment i	Page 1			SEAR
Patent no. *		Patent N	lumber EP0067	145				×			
EP0067145		Number		Proceeding	Date of lodging		Decision on Applic	ition to remove			
		UPC_APP	67622/2023	Correction of an opt-out	24/05/23 09:37:28	CEST	N/A	9			View 1
List of case(s) related	d to this patent			No. UPC_APP_67	7622/2023 nt to RoP5.5	Actions	menu Overvie	w Patents Personal d	etails Documents <b>Opt-out.st</b> a	Related Proceed	ings 🖉 👁 Calendar
				<u> </u>			EP00	57145			
				Personal Details	5	~	This pa	tent was opted out on 24/05/23	09:37:28 CEST		
				Upload Docume	ints	×		Number	Proceeding	Date of lodging	Outcome
				Review and Lod	lge	*	÷	UPC_APP_67621/2023	Opt-out	24/05/23 09:34:20 CEST	N/A





- 4. If you want to see the applied correction(s), select the "Correction of an opt-out" corresponding to the opted-out patent,
- 5. The SPC details are not displayed / available directly. To access them, please consult the corresponding Application document (available in the Documents' tab) **this step is valid only for the applicant who has filed the opt-out and correction**,
- 6. As a third party (i.e. not the applicant who filed the opted-out patent) you will not have access to the filled-in correction template under the documents' tab.
- 7. To access this content, you will need to address a request to the Registrar at the following email address: <u>LU\_CoA\_Registry@unifiedpatentcourt.org</u>

Following improvement of the workflow, which will be communicated in due time you will be able to visualize the corrected SPC data directly under the tab "patents" – SPC list.