Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

Copenhagen — Local Branch
UPC _CFI_492/2024
ACT_47484/2024
ORD_10371/2025

Decision

Delivered by the Local Division of the Unified Patent Court in Copenhagen on 5 December 2025 concerning EP 4 238 202 B1

The decision concerns European patent No. 4 238 202 B1 and relates to whether the Court should order the defendant to pay penalty payments.

Headnotes:

1. The Court partially upheld the request for payment of penalty payments due to the defendant's delayed disclosure of requested information following an order to preserve evidence.

2. The Court had ordered the defendant to pay penalty payments of EUR 5,000 per day until the defendant provided specific information regarding access codes to, among other things, the financial system, e-mail systems and a seized computer.

3. The court found that the defendant had only complied fully with the court's order after a delay of 36 days. The defendants had provided the requested login information for the financial system and email accounts with a delay of 18 days, after which it took a further 18 days before the defendants provided login information for a seized computer.

4. Rekvisiti had not presented any substantiated factual circumstances that reasonably prevented them from providing the information in question in a timely manner and thus complying with the Court's decision in this regard.

5. As fines not only serve a coercive function but also have a punitive character, the imposition of a fine was justified even though the defendant had in the meantime fulfilled its obligation to provide the information required by the Court.

6. The Court found that the defendant's breach of the terms of the Court's order to preserve evidence had to be regarded as serious, as it meant that the preservation of evidence could not be fully implemented and that the purpose of the preservation of evidence was partially defeated.

7. Taking into account reasons of fairness and proportionality, the amount of the fine was set within the prescribed limit of EUR 5,000, with the defendants being jointly ordered to pay a

penalty payment of EUR 2,500 per day for the first 18-day period and a penalty payment of EUR 1 250 per day for the subsequent 18-day period, resulting in a total fine of EUR 67,500.

Keywords:

- conditions for imposing penalty payment
- determination of the amount of the penalty payment

Key points

1. The request for payment of penalty payments was partially upheld by the Court due to the defendant's delayed submission of requested information following a ruling on preservation of evidence.

2. The Court had ordered the defendant to pay penalty payments of EUR 5,000 per day until the defendant provided specific information regarding access codes to, among other things, the financial system, e-mail systems and a seized computer.

3. The court found that Rekvisiti had only fully complied with the court order after a delay of 36 days. Rekvisiti had provided the requested login information concerning the financial system and email accounts, after which a further 18 days passed before Rekvisiti provided login information concerning a seized computer.

4. Rekvisiti had not presented any substantiated factual circumstances that reasonably prevented them from providing the information in question in a timely manner and thus complying with the Court's decision in this regard.

5. As fines not only serve a coercive function but also have a punitive character, the imposition of fines was justified, even though the defendant had in the meantime fulfilled its obligation to provide the information as required by the Court.

6. The Court found that the defendant's breach of the terms of the Court's order to secure evidence had to be considered serious, as the breach meant that the securing of evidence could not be carried out in full and that the purpose of securing evidence was partially defeated.

7. Taking into account reasons of fairness and proportionality, the fine was set within the prescribed limit of EUR 5,000, with Rekvisitii being jointly liable for a penalty payment of EUR 2,500 per day for the first 18-day period and a penalty payment of EUR 1250 per day for the subsequent 18-day period, resulting in a total fine of EUR 67,500.

Key words:

- Conditions for imposing penalty payments
- Determination of the amount of the fine

Requester:

Hybridgenerator ApS

Nørrevang 15 Nørre Lyndelse 5792 Årslev, Denmark

(lawyer Mikkel Kleis and patent agent Lasse Rosenlund Lauridsen) v

Respondent:

HGSystem ApS

Røjlevej 24, Nørre Søby, 5792 Årslev, Denmark

(Lawyers Allan Christensen and Kenneth Kvistgaard-Aaholm)

HGSystem Holding ApS

Røjlevej 24, Nørre Søby, 5792 Årslev, Denmark

(Attorney Allan Christensen and Attorney Kenneth Kvistgaard-Aaholm)

Infotech Concept ApS

Røjlevej 24, Nørre Søby, 5792 Årslev, Denmark

(lawyer Allan Christensen and lawyer Kenneth Kvistgaard-Aaholm)

Infotech Holding ApS

Røjlevej 24, Nørre Søby, 5792 Årslev, Denmark

(solicitors Allan Christensen and Kenneth Kvistgaard-Aaholm)

[redacted]

(Attorney Allan Christensen and Attorney Kenneth Kvistgaard-Aaholm)

(collectively “prosecution”)

The disputed patent

European patent No. 4 238 202 B1

Judges

The decision was handed down by legally qualified judges Peter Juul Agergaard (presiding judge and judge rapporteur), Stefan Johansson and Dr Stefan Schilling.

Language

Danish

Claims

The applicant has made the following claims:

1.
HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and [redacted] shall acknowledge that they are jointly and severally liable to pay penalty payments of EUR 5,000 per day to the Court from the date of service of the Court's order of 4 September 2024, ACT_47487/2024, until the date on which they provide the Court with all of the following information: the username and password for the e-conomics financial system and Microsoft 365, the username and password for emails and the relevant codes for the portable encrypted computer that was seized during the preservation of evidence, so that the independent IT expert could gain access to it.

2.
Principally:
HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and [redacted] shall jointly pay a penalty payment of EUR 610,000 to the Court, and [redacted] shall additionally pay a penalty payment of EUR 25,000 to the Court.

Alternatively
HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and shall [redacted] jointly pay a penalty payment of EUR 185,000 to the Court and, in addition, shall [redacted] pay a penalty payment of EUR 25,000 to the Court.

More alternatively
HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and [redacted] shall jointly pay penalties to the Court in an amount less than that specified in the principal and alternative claims.

Supplementary claim
HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and shall [redacted] jointly pay the costs of the proceedings to Hybridgenerator ApS.

The claimant has primarily requested that no penalty payments be imposed in connection with the order of 4 September 2024 (Order no. 50233/2024) and, alternatively, that the penalty payments be reduced to a lower amount determined by the Court.

Case details
On 26 August 2024, the local division of the Court in Copenhagen issued an order for the preservation of evidence in accordance with the applicant's request of 16 August 2024 concerning European patent no. 4 238 202 B1 for the immediate preservation of evidence and inspection of property without prior notice to the applicant.

The applicant was thus granted permission to immediately secure evidence proving the existence and extent of infringements of the rights to European patent No. 4 238 202 B1 by gaining access to the address Røjlevej 24, Nørre Søby, 5792 Årslev, through the Bailiff's Court in Svendborg, Denmark, in order to:

- Inspect the hybrid generators models MPU 1000, MPU 2000 and MPU 3000 and prepare a detailed description of these products.
- Determine any stock of hybrid generators models MPU 1000, MPU 2000 and MPU 3000.
- Copy IT systems, electronic storage media and physical material containing financial information and invoice material.
- Copy email correspondence and other documents, including relating to product development, manufacturing, import, possible export, sales and marketing.

The court appointed John Nielsen as an independent IT expert to assist the bailiff's court in conducting the investigation, prepare a report on the investigation and send this report to the court's local division in Copenhagen no later than 14 days after the evidence had been secured.

The order stipulated that the applicant must allow the bailiff's court, the appointed IT expert and the representatives of the applicant access to the address Røjlevej 24, Nørre Søby, 5792 Årslev, in accordance with the content of this order, including, among other things, providing the relevant passwords for the IT systems so that the preservation of evidence could be carried out.

The order further stated that if the requisitioner did not comply with the terms set out in the order, the requisitioner could be subject to penalty payments payable to the Court.

The order stated that the Court's order could be enforced once the applicant had provided specific security, which the applicant paid to UPC immediately after the order was issued.

The Court's order was enforced by the Bailiff's Court in Svendborg, Denmark, on 30 August 2024.

The transcript received from the court records of 30 August 2024 from the Bailiff's Court in Svendborg, Denmark, showed that the preservation of evidence was not completed, as there was no access to the cloud-based solution and the data therein. The court record showed, among other things, that the defendant, in violation of the Court's order, would not disclose the username and password for the e-conomic financial system and the defendant's email.

In addition, the claimant would not disclose the relevant codes for the portable encrypted Apple computer that was seized during the preservation of evidence. The independent IT expert was therefore also unable to access the contents of this computer.

Rekvisiti had therefore failed to comply with the conditions set out in the Court's order of 26 August 2024 to hand over the relevant passwords for the IT systems so that the evidence could be secured.

Against this background, the Court ruled on 4 September 2024 that the defendants should jointly pay penalty payments of EUR 5,000 per day to the Court until the defendants provided the Court with the username and password for the financial system e-conomic and Microsoft 365, the username and password for the defendants' email, and the relevant codes for the encrypted laptop that was seized during the securing of evidence, so that the independent IT expert could gain access to it.

The penalty payments were to be paid from the date on which the order was served on the requisitioner.

Once the requisitioner had provided the required information, the requisitioner was to communicate the search terms on the basis of which the IT expert was to find the information.

The order was served on the defendant on 16 September 2025.

On 30 September 2024, the defendant requested, pursuant to Rule 197(3) of the Rules of Procedure, a review of the order of the local division of the Court in Copenhagen of 26 August 2024 on the preservation of evidence.

By order of 19 December 2024, the local division of the Court of Justice in Copenhagen ruled that the order of 26 August 2024 to grant the applicant's request concerning European patent No. 4 238 202 B1 for the immediate preservation of evidence and inspection of property without prior notice to the claimant be upheld in accordance with Article 60 of the UPC Agreement and Rule 196 of the Rules of Procedure. The preliminary report prepared by the appointed independent IT expert John Nielsen was handed over to the representatives of the parties to the case. The representatives were obliged to keep confidential any trade secrets and other confidential information that might come to their knowledge in this connection.

On 15 January 2025, the Court informed the parties that IT expert John Nielsen had been given access to the Apple computer, including the relevant codes, so that he could prepare a report on the preservation of evidence.

The IT expert subsequently stated that he had exported documents and emails from [redacted] mail account that was cached locally on the computer, and images that were not private from the computer.

On 27 February 2025, the IT expert announced that the supplementary evidence preservation report based on the agreed search terms had been provisionally completed and would be sent to the court immediately thereafter.

The IT expert further stated that he had now finished examining the seized Apple computer, so that it could be returned.

The applicant subsequently requested that all the secured CAD files be handed over.

The requester further requested the Court to commence collection of the fixed penalty payments and requested that collection be continued until the requester had complied with the court order.

Rekvisiti objected to the change in the scope of the evidence preservation investigation, alternatively that the disclosure should only include those parts of the disputed products that were relevant to the case and not complete files showing the entire structure of the products, and that confidentiality should be imposed in connection with the disclosure, so that CAD drawings could not be handed over directly to or shown to the requester, but only to the requester's representatives.

The claimant further protested against the imposition of penalty payments.

The local division of the Court in Copenhagen, presided over by a single judge, Peter Juul Agergaard, pursuant to Rule 194(3) of the Rules of Procedure, that the CAD files secured as evidence could be handed over to the representatives of the applicant and that the representatives were obliged to keep confidential any trade secrets and other confidential information that might come to their knowledge in this connection. The Court further ruled that, on the basis of the information available, the applicant could not be ordered to pay the periodic penalty payments imposed by the Court in its order of 4 September 2024, as the requested information had been provided by the applicant.

The applicant subsequently appealed to the Court of Appeal of the Unified Patent Court against the part of the Court's order concerning the fact that, on the basis of the information available, the defendant should not be ordered to pay the periodic penalty payments imposed by the Court in its order of 4 September 2024.

The Court of Appeal for the Unified Patent Court subsequently invited the parties to the case to comment on the composition of the panel of judges in the local division's order and on what significance it would have if the order could not have been issued by a single judge alone.

After receiving the parties' comments on this matter, the Court of Appeal of the Unified Patent Court issued an order on 4 June 2025 to set aside the part of the order of the local division of the Court in Copenhagen that, on the basis of the information available, the defendant should not be ordered to pay the periodic penalty payments imposed by the Court in its decision of 4 September 2024 (UPC_CoA 233/2025, APL_ 13146/2025).

The Court of Appeal of the Unified Patent Court stated as grounds for this that the decision of the local division should have been delivered by a full panel of judges in accordance with Rule 354(4) of the Rules of Procedure.

On this basis, the Appeal Court of the Unified Patent Court referred back for reconsideration by the local division of the Court in Copenhagen that part of the decision which held that, on the basis of the available evidence, Requisiti should not be ordered to pay the periodic penalty payments imposed by the Court in its order of 4 September 2024.

the local division of the Court in Copenhagen. In this connection, it was stated that the new decision should be made by a full panel of judges and that there was nothing to prevent the President of the local division of the Court in Copenhagen from participating in the new decision.

The parties subsequently submitted supplementary submissions on 24 September 2025.

On 31 October 2025, IT expert John Nielsen informed the Court that on 4 October 2024, he gained access to five email accounts in Microsoft 365 and login details for the e-conomic accounting programme. He received the correct login details for the Apple computer on 22 October 2024 from [redacted] He did not receive login details for the Norwegian-administered Microsoft 365 account and thus did not gain access to the Norwegian company's IT systems and email accounts. He received the following email from [redacted] on 22 October 2024 (code omitted):

"Hi John, I may have a PIN code that will work on your laptop. Try [a code].

If it doesn't accept the PIN code but requires the long password, I don't have that... I will

have Office 365 admin transferred from Norway to my own account shortly.

However, I would like to point out that you have already seized data from my sales brochures in

Norway. And that the distinction between Denmark and Norway cannot be seen solely on .dk and .no!

But the lawyers will continue to work on this to protect me and the Norwegian company.

The parties' submissions

The claimant has specifically argued that the burden of proof as to when all the required information was submitted to the Court lies with the claimant. The claimant has not met this burden of proof. The lack of evidence of compliance with the order must be to the detriment of the applicant. It must therefore be assumed that it was not until 15 January 2025 that access was granted to the evidence.

It is further argued that the formal requirements of Rule 118(8) of the Rules of Procedure do not apply to an order for penalty payments issued pursuant to Article 62(1) of the UPC Agreement.

The request for review of the Court's order did not have suspensive effect. This means that, regardless of the request for review, the defendant was still obliged to comply with the provisions on the disclosure of codes.

The defendant had ample time to hand over the codes in question. There was therefore nothing to prevent the codes from being handed over immediately or shortly after the evidence was secured on 30 August 2024.

The failure to provide the relevant codes has resulted in a significant risk that the relevant documents and information in the secured evidence have been deleted before the IT expert gained access to the material.

In his report, the IT expert also refers to the fact that there was only a history of 1½ weeks in the "sent mail" folder, despite a longer history in the inbox and other folders. The report also states that it was not until a virtual meeting with the IT expert on 4 October 2022 that the prosecution provided the relevant login details for e-conomic and email accounts. It was not until
22 October 2024 that a possible PIN code was sent to the seized Apple computer.

Rekvisiti has specifically argued that all relevant information was communicated to the IT expert by 22 October 2024 at the latest, so that the full evidence preservation investigation could be carried out, including access to all IT systems, email accounts, etc. in the Norwegian company. On this basis alone, the Court cannot impose penalty payments for the period from 22 October 2024 onwards.

The order imposing penalty payments was first served on the applicant on 16 September 2024. In accordance with the principle of proportionality, the applicant must be granted a reasonable period of time to provide all the information, depending on the scope of the task, the time period and the resources available, which the Court never determined. If the Court found that it was not necessary to set such a time limit, the provision of the information on 22 October 2024 must be considered to have been within such a reasonable time limit. Revisit's lawyer announced on 16 September 2024 that it intended to provide all relevant information to the IT expert. In that connection, a number of circumstances were disclosed which meant that the information could not be provided without further ado, and the Court's guidance was sought in that connection. With the Court's intervention, a meeting was then arranged with the IT expert and the '[redacted]' on 4 October 2024. A penalty payment cannot therefore be imposed before the date of that meeting.

The defendant immediately brought the practical problems with providing the requested information to the attention of the Court and has therefore in no way delayed the provision of the information. The information in question was thus submitted within a reasonable time, and there is therefore no basis for imposing penalty payments on the defendant.

There are no considerations that would justify the enforcement of the penalty payments in this case. There has thus been no loss of information. This is because the seized Apple computer was seized on 30 August 2024, as stated by the IT expert in the evidence preservation report, which assumes that the contents of the computer represent the situation as of 30 August 2024.

Penalty payments primarily serve as a means of coercion to enforce certain actions and as a means of deterring the obligated party from future violations.

There are no considerations that would justify imposing penalty payments on the defendant as a punitive sanction. There has been no disadvantage as a result of the length of time, and there is no loss that would warrant a sanction. In relation to the course of events, there is nothing to blame the defendant for, regardless of the fact that the delivery took place five weeks after the notification.

The Court's reasoning

Article 82(4) of the UPC Agreement states that if a party fails to comply with the terms of an order made by the court, that party may be subject to periodic penalty payments payable to the court. Each penalty payment shall be proportionate to the importance of the order to be enforced and shall not prejudice the right of the party concerned to claim damages or security.

Rule 354(3) of the Rules of Procedure states that the Court's orders may include provisions for periodic penalty payments to be paid to the Court in the event that a party fails to comply with the terms of the order or a previous order. The amount of the penalty payment shall be determined taking into account the importance of the order in question.

Rule 354(4) of the Rules of Procedure provides that if it is alleged that a party has failed to comply with the terms of the Court's order, the panel of judges may, at the request of the other party, impose a penalty payment in accordance with the order. After hearing both parties, the Court may issue an appropriate order, which may be appealed under Rule 220(2).

It follows from the decision of the Court of Appeal of the Unified Patent Court of 14 October 2025 in Kodak GmbH, Kodak Graphic Communications GmbH and Kodak Holding GmbH v Fujifilm Corporation, UPC_CoA_699/2025, that it follows from the wording of Rule 354(4 of the Rules of Procedure, 'fines imposed in the order', any order to pay a fine in enforcement proceedings under that rule must be based on a previous order for enforcement, either in the operative part of the main order or in a further order to that effect. Under Rule 354(3) of the Rules of Procedure, a penalty payment order may also be issued separately in a subsequent order, thereby linking a penalty payment order to an order already contained in an earlier order.

The Court further notes that it follows from paragraph 35 of the decision of the Court of Appeal of the Unified Patent Court of 30 May 2025 in Belkin Limited, Belkin International, Inc., Belkin GmbH v. Koninklijke Philips N.V. APL, UPC_CoA_845/2024 and UPC_CoA_50/2025, that the amount of a fine imposed at a later date does not depend solely on the importance of the order in breach of which the fine is imposed. Following an infringement, the court must determine the amount of a fine in a manner that is appropriate to the circumstances and proportionate to the infringement of the order. Relevant factors in this regard include, inter alia, the seriousness and duration of the infringement found and the defendant's ability to pay. The amount of an appropriate fine can therefore only be reliably determined once the nature and extent of the infringement of the order have been established.

It is apparent from paragraph 51 of the above-mentioned decision that, since fines not only serve a coercive function but also have a punitive character, their imposition is justified even where the defendant has

has in the meantime fulfilled the obligation to provide information as required. The punitive nature of the penalty payment is apparent from Article 82(4) of the UPCA.

It follows from paragraph 57 that a fine must be paid when the defendant's guilt can be established. Thus, a fine can only be imposed if the defendant failed to take actions that were both reasonable and possible to fulfil the obligation imposed by a penalty payment for non-compliance. The burden of proof that timely and proper compliance was not reasonable and/or possible lies with the defendant.

According to the decision of the Court of Appeal of the Unified Patent Court of 14 October 2025 in Kodak GmbH, Kodak Graphic Communications GmbH and Kodak Holding GmbH v Fujifilm Corporation, UPC_CoA_699/2025, the amounts of the fines and the time limits for compliance set out in the order must, in general, form the basis for calculating the amount to be paid by the defendant in this case. However, the Court may depart from that amount in favour of the defendant on grounds of fairness and proportionality if the circumstances of the case so require. Relevant factors in this regard include, inter alia, the seriousness of the infringement found, its duration and the defendant's ability to pay. It is for the defendant to present and substantiate factual circumstances which reasonably prevented them from complying fully and in a timely manner with an order, or which justify the imposition of a lower fine than the amount specified for compliance in the order.

The Court's order of 26 August 2024 on the preservation of evidence, which was served on the defendant during the bailiff's proceedings on 30 August 2024, stated, among other things, that the defendant was to hand over the relevant passwords to the IT systems so that the preservation of evidence could be carried out. The order stated that if the defendant failed to comply with the terms set out in the order, the defendant could be subject to penalty payments payable to the Court. However, the order did not specify the amount of any penalty payments.

The transcript received from the court records of 30 August 2024 from the Bailiff's Court in Svendborg, Denmark, shows that the preservation of evidence was not completed, as there was no access to the cloud-based solution and the data therein. It further appears that, contrary to the Court's order of 26 August 2024, the claimant refused to disclose the username and password for the e-conomic financial system and the claimant's email address. In addition, the claimant refused to disclose the relevant codes for the encrypted laptop computer that was seized during the preservation of evidence.

The Court then ruled on 4 September 2024 that the defendants should jointly pay penalty payments of EUR 5,000 per day to the Court until the defendants provided the Court with the username and password for the financial system e-conomic and Microsoft 365, disclose the username and password for the defendants' email, and disclose the relevant codes for the portable encrypted computer that was seized during the preservation of evidence, so that the independent IT expert could gain access to it. The order states that the penalty payments were to be paid from the date on which the order was served on the defendant. Compliance with the Court's order was thus to take place immediately after it was served.

The Court's order on penalty payments of 4 September 2024 was served on the defendant on 16 September 2024.

The IT expert has informed the Court that he did not gain access to five email accounts in Microsoft 365 and the login to the e-conomic accounting programme until 4 October 2024. On 22 October 2024, he gained access to the relevant codes for the seized Apple computer, enabling him to prepare a supplementary report on the preservation of evidence in this regard. However, contrary to what is stated in the submission of 24 September 2024, he did not gain access to all IT systems, email accounts, etc. in the Norwegian company.

In this connection, the Court notes that the Norwegian company HGSystems AS is not covered by the Court's order of 26 August 2024 on the preservation of evidence and the Court's order of 4 September 2024 on penalty payments.

It is therefore assumed that on 22 October 2024, the defendant had provided all the required information to the Court. This was 36 days after the Court's order of 4 September 2024 was served on the defendant. The calculation has been made in accordance with Rule 300(a) and (b) of the Rules of Procedure. Pursuant to Rule 300(e) of the Rules of Procedure, 'day' means a calendar day unless specified as a working day.

The Court notes that, according to the above-mentioned decision of the Court of Appeal (UPC_CoA_845/2024 and UPC_CoA_50/2025), the imposition of penalty payments is not precluded by the fact that it can be assumed that the defendant subsequently fulfilled its obligation to provide all the relevant information required for the preservation of evidence to be carried out.

The defendant has argued that on 16 September 2024, it explained a number of circumstances that meant that the information could not be provided without further ado, and that the Court's guidance in this regard was sought.

The Court finds that, to a large extent, the defendants could already have provided the requested information during the bailiff's proceedings on 30 August 2024, when they were informed of their obligation to provide the information in question, or in the period immediately thereafter.

In any event, the disclosure could have taken place in the period immediately after the Court's decision on penalty payments of 4 September 2024 was served on the defendants.

The Court therefore finds that the applicants have not presented and substantiated factual circumstances that reasonably prevented them from complying fully and in a timely manner with the Court's order of 4 September 2025 immediately after its notification. The Court therefore finds that there are no grounds for granting the defendant an additional period of time to provide the information in question from the date of service on 16 September 2024 of the Court's order for a penalty payment of 4 September 2024.

The Court notes that the defendant's breach of the terms of the Court's order for the preservation of evidence must be considered serious, as the breach meant that the preservation of evidence could not be carried out.

fully implemented, and that the purpose of securing evidence was potentially at least partially wasted. In this connection, the court refers to the preliminary evidence preservation report from the IT expert, which states that after gaining access to the requisition e-mail on 4 October 2024, he found that there was only a history of 1½ weeks in the [redacted] e-mail account for "sent mail" despite a much longer history in the inbox and other folders.

As mentioned above, the fines and deadlines set for compliance in the order must form the basis for calculating the amount to be paid by the defendant.

The defendant has not provided any information regarding its ability to pay.

The court finds that, when determining the amount of the fine, it must be taken into account that, during the 18-day period between 16 September and 4 October 2024, the defendant completely failed to fulfil its obligations to provide the requested information. During the 18-day period between 5 October and 22 October 2024, the defendant also partially failed to fulfil its obligations with regard to the failure to provide the login details for the seized Apple computer.

The Court therefore finds that, within the fixed penalty range of EUR 5,000 per day, taking into account reasons of fairness and proportionality, the defendant must pay a penalty of EUR 2,500 per day for the period between 16 September and 4 October 2024 and EUR 1,The Court therefore sets the total fine to be paid jointly and severally by the defendants to the Court at EUR 10,000.

The Court therefore sets the total fine to be paid jointly and severally to the Court at **EUR 67,500**.

The applicant's more subsidiary claim is thus upheld. The applicant's

other claims are dismissed.

The decision on costs is reserved until the decision on the main action.

The Court's decision

1. HGSystem ApS, HGSystem Holding ApS, Infotech Concept ApS, Infotech Holding ApS and [redacted] shall jointly pay a penalty payment of EUR 67,500 to the Court.

2. The applicant's other claims are dismissed.

3. The decision on legal costs is postponed until the decision in the main case.

4. This order is enforceable.

The parties may, in accordance with the provisions of Article 73 of the UPC Agreement and Rule 220 of the Rules of Procedure, appeal this order to the Court of Appeal within 15 calendar days of receiving it.

Issued in Copenhagen on 5 December 2025

Peter Juul Agergaard, President and Judge Rapporteur

Stefan Johansson, legally qualified judge

Dr. Stefan Schilling, legally qualified judge

DETAILS OF THE ORDER:

Main file reference:	ACT_47484/2024
UPC number:	UPC_CFI_492/2024
Type of procedure:	Application for preserving evidence