



Hamburg - local division

UPC_CFI_1881/2025
Order
of the Court of First Instance
of the Unified Patent Court,

issued on: 05/05/2026

PARTIES:

Brita SE, legally represented by the Management Board comprising Markus Hankammer, Stefan Jonitz, Dr Rüdiger Kraege, Heinz-Hankammer-Straße 1, 65232 Taunusstein, Germany,

Applicant,

authorised representative for service: Bird & Bird LLP, Carl-Theodor-Straße 6, 40213 Düsseldorf, in particular Attorney-at-law Oliver Jan Jüngst,
Email: oliver.jan.juengst@twobirds.com
Also acting: Patent Attorney Dr Jörn Felix Harbsmeier, Bird & Bird LLP, Am Sandtorkai 50, 20457 Hamburg

v

Ningbo Blue Pluser Appliance Co. Ltd., represented by its legal representative, No. 1506 Sanbei West Street (Shuangxi Garden), Zonghan Subdistrict, Cixi City, Zhejiang Province, People's Republic of China,

Respondent,

authorised representative for service of process: SZA Schilling, Zutt, Anschütz, Otto-Beck-

Straße 11, 68165 Mannheim, in particular Attorney-at-law Dr Jonathan Drescher and Philipp Herrmann,
Email: jonathan.drescher@sza.de

PATENT: EP 2 131 940 B1

PANEL:

Panel of the Hamburg local division JUDGES

INVOLVED:

This order was issued by the Presiding Judge and judge-rapporteur Sabine Klepsch, the legally qualified judge Dr Stefan Schilling and the legally qualified judge Mojca Mlakar.

LANGUAGE OF THE PROCEEDINGS: German

SUBJECT: R. 354 RoP – Imposition of coercive measures

BRIEF SUMMARY OF THE FACTS:

By order of 9 December 2025, the Hamburg local division, on the applicant's application, ordered the respondent, inter alia, to

- I. to refrain from

in Belgium, Bulgaria, Denmark, Germany, Finland, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Romania, Sweden and/or Slovenia

a device for treating water, in particular a filter device, comprising a cartridge (1), which comprises a container (2) for holding a water treatment agent, in particular for holding a filter medium, and a connection head (10) arranged on the container (2), and comprising a connection element (40) which includes a receptacle (50) for the connection head, characterised in that at least one locking shaft (70a,b) is provided in the connection element (40), by means of which the connection head (10) can be secured in the connection element (40), wherein the locking shaft (70a,b) is rotatably mounted and can be rotated from a locking position to an unlocking position and vice versa, and in that the connection head (10) has at least one recess (30) into which the locking shaft (70a,b) engages in the locked position,

offering, placing on the market, using, or importing or possessing for the aforementioned purposes.

[...]

- IV. The respondent is further ordered to provide the applicant, within three (3) weeks of service of this order, to provide the claimant, in writing and in electronic form capable of being processed by a computer, with a breakdown structured by calendar month and by patent-infringing products, commencing from 9 November 2011, regarding the products referred to in paragraph I,

1. the origin and distribution channels of the products referred to in Section I, specifying
 - the names and addresses of the manufacturers, suppliers and other previous owners;
 - the names and addresses of the commercial purchasers and the points of sale for which the products were intended;
 - the individual offers, broken down by offer quantities, times, prices, as well as model designations and the names and addresses of the commercial recipients of the offers;
 - the individual deliveries, broken down by delivery quantities, times and prices, as well as model designations and the names and addresses of the customers;
2. the identity of all third parties involved in the manufacture and distribution of the products referred to in Section I. The respondent shall bear the costs of the proceedings.

The order was sent to the respondent by email on 11 December 2025, together with a final letter from the applicant, informing the respondent of the enforceable copy without security. At the same time, the respondent was requested to submit a final declaration by 23 December 2025.

The law firm SZA Schilling Zutt & Anschütz indicated in a letter dated 19 December 2025 that it would represent the respondent. Following the granting of an extension of the deadline, the respondent submitted a substantive response by letter dated 30 December 2025. In the course of the ongoing out-of-court negotiations, the respondent expressly and in writing waived its right to apply for the revocation of the order of the Hamburg local division of 9 December 2025 by letter dated 7 January 2026.

After the settlement talks had failed, the claimant, by letter dated 10 February 2026, gave the defendant a final demand to fulfil its enforceable obligations. Specifically, the respondent was requested to provide the information owed under paragraph IV of the operative part within a period of two weeks – i.e. by 24 February 2026. Furthermore, with reference to paragraph V of the operative part, the respondent was requested to pay costs amounting to EUR 34,700 by the same date.

To date, the respondent has not fulfilled the obligation to provide information as ordered. The costs of the proceedings have also remained unpaid. By letter dated 24 February 2026, the law firm SZA Schilling Zutt & Anschütz notified the termination of its client relationship with the respondent and stated that any further correspondence should be addressed directly to the respondent. Following this, the judge-rapporteur pointed out that the legal representatives remain responsible for communication between the court and the respondent.

By order of 17 March 2026, the respondent was threatened with the imposition of a penalty payment. The respondent did not respond. By application of 2 April 2026, the applicant sought the imposition of a penalty payment. The respondent was heard on this matter, but to no avail.

APPLICATIONS OF THE PARTIES:

The applicant requests that

- I. that the respondent, for failure to comply with Order IV (Disclosure) of 9 December 2025, be ordered to pay a penalty payment of EUR 1,000 to the court for each day of the infringement from 31 March 2026 until the Chamber issues the penalty payment order;
- II. in the alternative, in the event that the application under point I is dismissed, to set a penalty payment, the amount of which is left to the discretion of the court;
- III. for each further day of non-compliance with Order IV (Disclosure) of 9 December 2025, within a period commencing on the date of service of the order imposing a daily penalty and ending on 30 April 2026, an additional daily penalty of EUR 1,500 shall be imposed;
- IV. for each further day on which the respondent fails to comply with Order IV (Information) of 9 December 2025 after 30 April 2026, an additional penalty payment of EUR 2,500 per day shall be imposed;
- V. the amount of the penalty payment may be increased upon further application by the applicant.

REASONS FOR THE ORDER:

The applicant's application is partially successful on the merits.

Pursuant to Rule 354(3) of the RoP, decisions and orders of the Court may provide for repeated penalty payments payable to the Court in the event that a party fails to comply with the provisions of the order or a previous order. The amount of these payments is to be determined by the court in view of the significance of the order in question (Court of Appeal, UPC_CoA_845/2024, order of 30 May 2025, para. 31 – Belkin v. Philips).

Notwithstanding the fact that Rule 118(8), first sentence, of the RoP does not apply to proceedings for the granting of provisional measures (Court of Appeal, UPC_CoA_699/2025, Order of 14 October 2025, para. 38 – Kodak v. Fujifilm), a prior warning of coercive measures is also required in these proceedings. It follows from the wording 'setting of the penalty payments provided for in the court order' in Rule 354.4 of the RoP, it follows that any court order for the payment of a penalty payment in enforcement proceedings under this Rule must be based on a prior warning, which is contained either in the operative part of the main decision or order or in a further order or decision in this regard (Court of Appeal, UPC_CoA_699/2025, Order of 14 October 2025, para. 41 – Kodak v Fujifilm).

No such warning had been included in the order of 9 December 2025 in relation to the obligation to provide information at issue here under Section IV. It was issued by the court in an order dated 17 March 2026, which threatened a daily penalty payment of up to EUR 1,000 for each day of delay, to be paid repeatedly, commencing two weeks after service of the penalty payment threat.

Although the court order regarding, inter alia, the obligation to provide information was formally served on the respondent, she has not provided any information. No response was given with regard to the provision of information, so that, in the absence of evidence to the contrary, it must be assumed that there has been a culpable failure to comply. This justifies the imposition of penalty payments. Both the considerable period of time that has elapsed since the order was issued on 9 December 2025 and the respondent's continued uncooperative behaviour justify basing the calculation of the penalty payment on the maximum amount of EUR 1,000 per day specified in the notice of penalty. The notice of the penalty payment was served on the respondent on 17 March 2026; no response was received.

It is therefore also appropriate to increase the daily rate incrementally from 30 April 2026. The staggered increase in the penalty payment amounts in the event that the respondent continues to refuse to provide the information for the subsequent periods is therefore, in principle, justified (see Court of Appeal, UPC_CoA_845/2024, Order of 30 May 2025, *Belkin v Philips*). However, an order pursuant to Section III of the application could not be made, as the penalty payment was set at merely EUR 1,000 in the order of 17 March 2026. A further increase in the penalty payment requires a new order. In this respect, only a further increase may be ordered.

Similarly, an order as sought in point IV of the applicant's application, whereby the amount of the penalty payment may be increased upon a further application by the applicant, could not be made, as a further increase in the penalty payment requires a new application.

ORDER:

- I. The respondent is ordered, for failure to comply with Order IV (Disclosure) of 9 December 2025, to pay a penalty payment of EUR 1,000 to the court for each day of non-compliance from 31 March 2026 until the Chamber issues the penalty payment order.
- II. For each further day on which the respondent fails to comply with Order IV (Information) of 9 December 2025 after 5 May 2026, an additional penalty payment of EUR 1,500 per day is imposed.
- III. In all other respects, the application is dismissed.

- V. 90% of the costs of the penalty payment proceedings shall be borne by the respondent.
- VI. The value in dispute in the penalty proceedings is set at EUR 50,000.

Presiding Judge and judge-rapporteur Sabine Klepsch

Legally qualified judge Dr Stefan Schilling

Legally qualified judge Mojca Mlakar

For the Deputy-Registrar