



Appeal Nos.:
UPC-CoA-4/2026
UPC-CoA-13/2026

ORDER
of the Court of Appeal of the Unified Patent Court
on the appeal against an order ruling on a preliminary objection (Rule 19 RoP)
issued on 22 June 2026

HEADING

- (i) The provisions of Article 33(1), third paragraph, of the UPCA do not constitute an exception to the jurisdiction of local and regional divisions to hear infringement proceedings under the conditions set out in points (a) and (b) of Article 33(1). Neither the wording of that provision, which sets out no limitation on the jurisdiction of the central division in respect of defendants established outside the territory of the Contracting Member States, nor the position of that provision within Article 33(1), which follows the provisions of the same article relating to the jurisdiction of local or regional divisions, do not allow the conclusion that, in the case of defendants established outside the territory of the Contracting Member States, the jurisdiction of the central division must be interpreted as constituting an exception to the jurisdiction of the local or regional divisions.
- (ii) In the case of defendants domiciled outside the territory of the Contracting Member States (Article 33(1), third subparagraph), the central division has jurisdiction, thereby taking the place of – as in the case of a defendant domiciled within the territory of a Contracting Member State in which there is no local division and which does not form part of a regional division – a local or regional division which, in the presence of co-defendants domiciled within the territory of a Contracting Member State, would have jurisdiction in accordance with the provisions applicable to defendants domiciled within the territory of a Contracting Member State (Article 33(1)(b)).
- (iii) Just as in the case of multiple defendants, one of whom is domiciled in the territory of a Contracting Member State which has no local division and does not participate in a regional division, where there are co-defendants some of whom are domiciled in the territory of a Contracting Member State and others domiciled outside the territory of the Contracting Member States, it is equally necessary to avoid parallel proceedings before different divisions, as well as the risk of conflicting decisions that might result therefrom. A different solution, which would require the claimant to bring their action exclusively before the local or regional division having jurisdiction by virtue of the domicile or (principal) place of business of one or more other defendants domiciled within the territory of a Contracting Member State having a local division or participating in a regional division, would be contrary to the ratio legis of Article 33(1), third subparagraph of the UPCA, according to which the central division becomes the division with jurisdiction to hear the action where no local or regional division has jurisdiction by virtue of the domicile or (principal) place of business of any of the other defendants.
- (iv) In such a situation, the jurisdiction of the central division is determined by applying the mechanism set out in point (b) of the first subparagraph of Article 33(1) of the UPCA, which, in order to give effect to the rule on jurisdiction set out in the third paragraph of that same Article 33(1), also applies to defendant(s) whose domicile or (principal) place of business is situated outside the territory of an EMC, as well as to the other defendants.

KEYWORDS

Preliminary objection; jurisdiction of the divisions of the Court of First Instance. APPELLANT AND

PLAINTIFF IN THE INFRINGEMENT PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

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(hereinafter referred to as **the 'Appellant'** or **'VALEO'**)

represented by Mr Lionel Martin, of the Paris Bar, acting before the UPC, together with other representatives of the law firm August Debouzy, Paris, France

RESPONDENTS (UPC-CoA-4/2026), DEFENDANTS IN THE INFRINGEMENT PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE AND PLAINTIFFS IN THE FIRST PRELIMINARY OBJECTION

(1) ROBERT BOSCH FRANCE SAS, 32 avenue Michelet, 93400, Saint-Ouen-Sur-Seine, France

(2) ROBERT BOSCH GmbH, 1 Robert-Bosch-Platz, 70839 Gerlingen, Germany

(3) ROBERT BOSCH S.A., 1 rue Henri-Joseph Genesse, 1070 Anderlecht, Belgium

(4) ROBERT BOSCH PRODUKTIE S.A., Hamelendreef 80, 3300 Tienen, Belgium

RESPONDENTS (UPC-CoA-13/2026), DEFENDANTS IN THE INFRINGEMENT PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE AND PLAINTIFFS IN THE SECOND PRELIMINARY OBJECTION

(5) ROBERT BOSCH DOO Beograd, 90E/IV Omladinskih brigada, 11070, Beograd, Serbia

(6) BOSCH AUTOMOTIVE PRODUCTS (CHANGSHA) CO., LTD., 26, Lixiangzhong Road, Economic and Technological Development Zone, Changsha County, Hunan Province, 410100 Changsha, People's Republic of China (PRC)

(hereinafter collectively referred to as **'the Respondents'** or **'BOSCH'**)

represented by Mr Johannes Heselberger, representative before the UPC, Bardehle Pagenberg, Munich, Germany

PATENT IN DISPUTE

EP 2 671 766

COMPOSITION OF THE BOARD

First Board, composed as follows:

Klaus Grabinski, President of the Court of Appeal,
Emmanuel Gougé, legally qualified judge and judge-rapporteur,
Ingeborg Simonsson, legally qualified judge.

LANGUAGE OF THE PROCEEDINGS

French

CONTESTED ORDERS OF THE COURT OF FIRST INSTANCE

- Order of the Central Division (Paris Section) of 23 December 2025, UPC_CFI_809/2025
- Order of the Central Division (Paris Section) of 21 January 2026, UPC_CFI_809/2025

DATE OF THE HEARING

27 April 2026

SUMMARY OF THE FACTS AND PROCEEDINGS

The proceedings before the Court of First Instance

1. On 16 September 2026, VALEO brought an action for infringement of the patent in dispute against the Respondents before the Central Division (Paris Section) of the Court of First Instance of the Unified Patent Court (hereinafter the 'DC Paris') in respect of alleged acts of infringement committed in Germany, Belgium and France. It justifies the jurisdiction of the DC Paris by reference to Article 33(1), third paragraph, of the UPCA, on the grounds that one of the defendants is domiciled outside the territory of the Contracting Member States (hereinafter 'CMS'), that the defendants have a commercial connection, and that the action relates to the same alleged infringement.

The first preliminary objection

2. On 10 November 2025, Robert Bosch France SAS, Robert Bosch GmbH, Robert Bosch SA and Robert Bosch Produktie SA lodged a preliminary objection (R. 19 RoP) concerning the jurisdiction of the Paris Commercial Court and the language of the proceedings (hereinafter the 'first preliminary objection') on the grounds, in particular, that the provisions of Article 33(1), third subparagraph of the UPCA, according to which actions against defendants having their domicile or principal place of business or, in the absence of a domicile or principal place of business, their place of business outside the territory of the Contracting Member States, are to be brought before the local or regional division in accordance with point (a) of the first paragraph or before the central division, are applicable, in the absence of an 'anchor defendant' mechanism such as that provided for in Article 33(1)(b), only where all the defendants have their domicile, principal place of business or place of business outside the territory of the Contracting Member States.
3. The Paris Central Division held that it lacked jurisdiction to hear the infringement claim and, granting VALEO's alternative application, ordered the infringement proceedings to be transferred to the local division in Düsseldorf (hereinafter 'Düsseldorf Local Division') and ruled that the language of the proceedings would be English (procedural order of the reporting judge dated 23 December 2025, hereinafter the 'first contested order'). In particular, it considers that the third subparagraph of Article 33(1) of the UPCA does not expressly provide for infringement proceedings to be brought on that basis before the central division where some of the defendants have their domicile or principal place of business, or, in the absence of a domicile or principal

establishment, their establishment is situated within the territory of the contracting Member States. In its view, the wording adopted in Article 33(1), third subparagraph, of the UPCA only covers cases where the defendants' domicile, principal place of business or place of business is situated outside the territory of the Contracting Member States (first contested order, para. 17) and this provision constitutes an extension or an exception to the jurisdiction of the local divisions (the aforementioned order, para. 22).

The second preliminary objection

4. On 31 December 2025, the companies Robert Bosch Doo Beograd (hereinafter 'Bosch Serbia') and Bosch Automotive Products (Changsha) (hereinafter 'Bosch China'), on whom the statement of claim was served on 2 and 12 December 2026 respectively, lodged a second preliminary objection (Rule 19 of the RoP) concerning the jurisdiction of the Paris Commercial Court and the language of the proceedings (hereinafter the 'second preliminary objection') in the event that the referral to the Düsseldorf Regional Court ordered on 23 December 2025 did not cover these two companies, on the same grounds as those put forward in the first preliminary objection.
5. The Paris District Court ruled that it lacked jurisdiction to hear the infringement claim against Bosch Serbia and Bosch China, ordered the referral of the infringement action to the Düsseldorf Regional Court, and ruled that the language of the proceedings would be English (procedural order of the reporting judge dated 21 January 2026, hereinafter the 'second contested order'), on the grounds, in particular, that whilst the order of 23 December 2025 was not made after hearing both Bosch Serbia and Bosch China, it took into account the situation arising from their participation in the proceedings, namely that of multiple defendants, some of whom are established or domiciled in the EMC and others established or domiciled outside those States, in order to rule that the Paris Commercial Court therefore lacked jurisdiction to hear the infringement claim, and to refer the infringement action to the Düsseldorf Regional Court (second contested order, para. 13).

The appeal proceedings

6. The Appellant lodged appeals against the two contested orders (appeals UPC-CoA-4/2026 and UPC-CoA-13/2026).
7. In the appeal proceedings UPC-CoA-4/2026, she asks the Court of Appeal to
 - (i) rule that the Paris District Court has jurisdiction to hear the infringement action UPC_CFI_809/2025,
 - (ii) order the infringement action to be referred to the Paris Commercial Court,
 - (iii) rule that the language of the proceedings shall be French,
 - (iv) order that the parties be exempted from producing French translations of the pleadings and documents already filed by the parties prior to the date of the forthcoming appeal judgment, in the context of the proceedings on the merits taking place before the Düsseldorf District Court,
 - (v) order the Respondents to pay the costs of the appeal proceedings in the amount of €4,000.
8. In appeal proceedings UPC-CoA-13/2026, the Appellant requests the Court of Appeal to
 - (i) hold that the first contested order was enforceable against Bosch Serbia and Bosch China and that there is no need to rule on the second preliminary objection,
 - (ii) in the alternative, to rule that the Paris District Court has jurisdiction over Bosch Serbia and Bosch China to hear the infringement action UPC_CFI_809/2025, and
 - (iii) in any event, order the Respondents to pay the costs of the appeal proceedings, rule that the language of the proceedings shall be that determined in the appeal proceedings UPC-CoA-4/2026, and order that the parties be exempted from producing translations into French, in the same terms as its application in the appeal proceedings UPC-CoA-4/2026.
9. VALEO submits, principally, that, in accordance with the provisions of Article 33(1), third paragraph, of the UPCA, the jurisdiction of the Central Division, where one or more of the defendants, out of the total number of defendants, are

are not established within the territory of an EMC, constitutes an alternative jurisdiction to that of the local or regional divisions determined in accordance with the provisions of Article 33(1)(a) of the UPCA, and not an exception to the jurisdiction of the latter. It considers that the Paris Central Division has interpreted the provisions of Article 33(1), third subparagraph of the UPCA, by requiring that they apply only where all the defendants are domiciled or established outside an EMC, whereas it is sufficient, for these provisions to apply, that one or more defendants are established outside the territory of the EMCs, without it being necessary for all of them to be so.

10. BOSCH, using identical wording and grounds in both appeal proceedings, seeks confirmation of the two contested orders, the dismissal of VALEO's claims, and the payment by VALEO of the sum of €10,000 in respect of costs.
11. In particular, it argues that the jurisdiction of the Central Division, as set out in the third subparagraph of Article 33(1) of the UPCA, constitutes an exception to the general jurisdiction of the local and regional divisions as set out in points (a) and (b) of Article 33(1); that it applies only to defendants whose domicile or place of business is outside the territory of the EMC; and that, in accordance with point (b) of Article 33(1), the 'anchor defendant' mechanism based on the defendant's domicile applies only for the benefit of the local or regional divisions within whose territory one of the defendants has their domicile or principal place of business or, in the absence of a domicile or principal place of business, their place of business; that, in the absence of such a mechanism set out in Article 33(1), third paragraph of the UPCA, the Central Division does not have jurisdiction; whereas ROBERT BOSCH GmbH, the parent company of the other Respondents with which it has a commercial link within the meaning of Article 33(1)(b) of the UPCA, having its domicile in Germany, the Düsseldorf Local Division has jurisdiction pursuant to those same provisions.

REASONS

Admissibility of the appeal

12. In appeal proceedings UPC-CoA-4/2026, brought pursuant to Rule 220.2 of the RoP, the Court of Appeal held the appeal to be admissible (order of 11 February 2026).
13. For the same reasons as those set out in the aforementioned order, and given that the second preliminary objection was filed within one month of the service of the statement of claim on Bosch Serbia and Bosch China, the appeal in proceedings UPC-CoA-13/2026 is admissible.

Scope of the first contested order

14. The first preliminary objection was lodged by four of the six BOSCH companies, namely Robert Bosch France SAS, Robert Bosch GmbH, Robert Bosch SA, and Robert Bosch Produktie SA. After hearing the parties to the preliminary objection in accordance with the provisions of Rule 20 of the RoP, the Reporting Judge ruled on that objection (the first contested order). The first contested order is therefore binding only on the parties involved in the proceedings relating to that preliminary objection and not on all the parties involved in the UPC_CFI_809/2025 proceedings; consequently, contrary to VALEO's contention, this order is binding only on the companies that were parties to the preliminary objection and not on Bosch China and Bosch Serbia.

The jurisdiction of the divisions of the Court of First Instance under the UPC Agreement

15. Article 33 of the UPCA Agreement, relating to the jurisdiction of the divisions of the Court of First Instance (hereinafter 'CFI'), sets out the rules on the internal jurisdiction of the CFI's divisions. Unlike the international jurisdiction of the Court, which, according to Article 31 of the UPCA Agreement, is determined in accordance with Regulation (EU) No 1215/2012 or, where applicable, on the basis of the Convention on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (the Lugano Convention), the jurisdiction of the

divisions of the TPI, determined in accordance with the provisions of Article 33 of the UPCA, is an internal matter for the UPC and is subject to autonomous interpretation (Order of the UPC Court of Appeal, UPC_CoA_317/2025 and 376/2025, 28 November 2025, Barco v Yealink, paras. 47 and 51).

16. With regard to proceedings for patent infringement or threatened infringement referred to in Article 32(1)(a) of the UPCA, Article 33(1) of the UPCA determines the jurisdiction of the divisions of the TPI in accordance with the criterion of the place of (threat of) infringement (*forum delicti*) or that of the defendant's domicile (*actor sequitur forum rei*) in the following terms:

1. Without prejudice to paragraph 7 of this Article, the actions referred to in Article 32(1)(a), (c), (f) and (g) shall be brought before:

- a) the local division situated within the territory of the Contracting Member State where the infringement or threatened infringement has occurred or is likely to occur, or before the regional division in which that Contracting Member State participates; or*
- b) the local division situated within the territory of the Contracting Member State in which the defendant or, where there are several defendants, one of the defendants has his domicile or principal place of business or, in the absence of a domicile or principal place of business, his place of business, or before the regional division in which that Contracting Member State participates. An action may be brought against several defendants only if they are commercially linked and the action relates to the same alleged infringement.*

(...)

Proceedings against defendants whose domicile or principal place of business, or, in the absence of a domicile or principal place of business, their place of business, is outside the territory of the contracting Member States shall be brought before the local or regional division in accordance with point (a) of the first subparagraph or before the central division.

If there is no local division within the territory of the relevant Contracting Member State and that State does not participate in a regional division, proceedings shall be brought before the central division.

17. The two grounds for jurisdiction set out in the aforementioned Article 33(1) – the place of the alleged infringement or the defendant's domicile – apply alternatively (Barco v Yealink, para. 56), without there being any need to establish a hierarchy between them.

The criterion of the defendant's domicile

18. With regard more specifically to the criterion relating to the defendant's domicile or (principal) place of business, Article 33(1) of the UPCA sets out three possible scenarios.

19. The first scenario, under Article 33(1)(b) of the UPCA, provides for jurisdiction to be vested in the local division situated within the territory of the EMC in which the defendant, or where there are several defendants (and subject to additional conditions in the case of multiple defendants, see paragraph 23, one of the defendants has their domicile or principal place of business or, in the absence of a domicile or principal place of business, their place of business, or before the regional division in which the said EMC participates.

20. The second scenario provided for in Article 33(1) of the UPCA is where the defendant's domicile or (principal) place of business is situated outside the territory of the EMCs. In this case, and unless the claimant chooses to bring the action before the competent division in accordance with the criterion of the place of (threat of) infringement (Article 33(1)(a)), given that the defendant is domiciled outside the territory of an EMC and that there is therefore no local or regional division attached to the EMC in which the defendant is domiciled, the central division then has jurisdiction (Article 33(1), third subparagraph), just as a local or regional division would have if the defendant were domiciled within the territory of an EMC.

21. Contrary to the first contested order (para. 22) and BOSCH's submissions, the provisions of Article 33(1), third subparagraph, do not constitute an exception to the jurisdiction of local and regional divisions to hear an infringement action under the conditions set out in points (a) and (b) of Article 33(1). Neither the wording of that provision – which sets out no limitation on the jurisdiction of the central division in respect of defendants established outside the territory of the EMC – nor the position of that provision within Article 33(1), following the provisions of the same article relating to the jurisdiction of local or regional divisions, allows for the conclusion that, in the case of defendants established outside the territory of the EMC, the jurisdiction of the central division must be interpreted as constituting an exception to the jurisdiction of the local or regional divisions.
22. Finally, in the third scenario, where the defendant's domicile or (principal) place of business is situated in an EMC which has no local division or does not form part of a regional division, the central division has jurisdiction pursuant to the criterion of the defendant's domicile (Article 33(1), fourth subparagraph), just as a local or regional division would have jurisdiction if the defendant were domiciled in an EMC within whose territory a local division is situated or which participates in a regional division.

The criterion of the defendant's domicile where there are multiple defendants

23. Where there are multiple defendants, the criterion of the defendant's domicile applies by determining the domicile or principal place of business or, in the absence of a domicile or principal place of business, the place of business of one of the defendants (often referred to as the 'anchor defendant'). In such cases, the division with jurisdiction – whether local or regional – to hear the action is that situated within the territory of the EMC in which one of the defendants is established, or to which the EMC in which one of the defendants is established belongs (Article 33(1)(b), first sentence), provided that there is a commercial link between the defendants and that the action relates to the same alleged infringement (Article 33(1)(b), second sentence). This provision aims to avoid, where the aforementioned conditions are met, parallel proceedings before different local or regional divisions and the risk of conflicting decisions that might result therefrom.
24. The situation where there are multiple defendants also arises where, amongst the defendants, only one or more of them have their domicile or (principal) place of business outside the territory of the EMC (Article 33(1), third subparagraph). In such a case, the division with jurisdiction to hear one of the actions referred to in Article 32(1)(a), (c), (f) and (g) of the UPCA is, subject to the conditions set out in the second sentence of Article 33(1)(b), determined as follows.
25. Firstly, the aforementioned actions may be brought before the local division situated within the territory of the EMC in which one of the defendants has their domicile or (principal) place of business – or, where there are several local divisions within the territory of the EMC concerned, one of those local divisions – or, in the absence of a local division within that territory, before the regional division in which the EMC concerned participates, as Article 33(1)(b), first sentence, makes no distinction as to whether the other defendants are domiciled within or outside the territory of the EMCs.
26. Secondly, where one of the defendants has his domicile or (principal) place of business within the territory of an EMC which has no local division and does not participate in a regional division, the aforementioned actions may alternatively be brought before the central division, which has jurisdiction in the same way as a local or regional division would if that defendant were domiciled within the territory of an EMC having a local division or participating in a regional division, in accordance with Article 33(1), the fourth paragraph of the UPCA, pursuant to which, if there is no local division within the territory of the EMC concerned and that EMC does not form part of a regional division, the proceedings are brought before the central division.
27. This provision makes no reference to the number of defendants having their domicile or (principal) place of business within the territory of an EMC which has no local division and does not participate in a regional division. There is therefore no need to determine the jurisdiction of the central division differently depending on

whether the action is brought against a single defendant so domiciled or against multiple defendants, one or more of whom are so domiciled.

28. Just as in proceedings before a local or regional division, where there are multiple defendants before the central division, it is equally important to avoid parallel proceedings before different divisions and the risk of conflicting decisions that might result therefrom. A different approach, which would consist of excluding the jurisdiction of the central division in favour of a local or regional division on the basis of the domicile or (principal) place of business of one of the other defendants, would disregard the objective pursued by the legislature, which, under Article 33(1), fourth subparagraph of the UPCA, establishes the jurisdiction of the central division in the absence of a local or regional division with jurisdiction based on the domicile or (principal) place of business of one of the other defendants.
29. The third scenario concerns the case where defendants are domiciled outside the territory of the EMCs (Article 33(1), third paragraph). In this case, the central division has jurisdiction, thereby taking the place – as in the aforementioned scenario of a defendant domiciled within the territory of an EMC in which there is no local division and which does not form part of a regional division – a local or regional division which, in the presence of co-defendants domiciled within the territory of an EMC, would have jurisdiction in accordance with the provisions applicable to defendants domiciled within the territory of an EMC (Article 33(1)(b)).
30. Just as in the scenario described above (paragraphs 26 to 28) involving multiple defendants, one of whom is domiciled within the territory of an EMC that has no local division and does not participate in a regional division, where there are co-defendants, some of whom are domiciled within the territory of an EMC and others outside the territory of the EMCs, it is equally necessary to avoid parallel proceedings before different divisions and the risk of conflicting decisions that might result therefrom. A different solution, which would require the claimant to bring their action exclusively before the local or regional division having jurisdiction by virtue of the domicile or (principal) place of business of one or more other defendants domiciled within the territory of an EMC having a local division or participating in a regional division, would be contrary to the ratio legis of Article 33(1), third subparagraph of the UPCA, according to which the central division becomes the division with jurisdiction to hear the action where no local or regional division has jurisdiction by virtue of the domicile or (principal) place of business of any of the other defendants.
31. In such a situation, the jurisdiction of the central division is determined by applying the mechanism set out in point (b) of the first subparagraph of Article 33(1), which, in order to give effect to the rule on jurisdiction set out in the third subparagraph of that same Article 33(1), also applies to the defendant(s) whose domicile or (principal) place of business is situated outside the territory of an EMC, as well as to the other defendants.
32. Finally, applying the mechanism set out in Article 33(1)(b) of the UPCA to a defendant domiciled outside the territory of the EMC in order to establish the jurisdiction of the Central Division is not, either, inconsistent with the principle of proximity invoked in the contested order. Without it being necessary to determine whether this principle of international law – commonly understood as the basis for the rules governing the determination of international jurisdiction (rather than jurisdiction within a single court) on the basis of close links, such as the defendant's residence or domicile, between the court and the defendant – applies to the question of determining the internal jurisdiction of the divisions of the CFI, the rules governing the determination of the jurisdiction of the divisions of the CPC reflect the legislature's deliberate choice to confer jurisdiction on the Central Division in a number of specific situations, including those referred to in Article 33(1), third and fourth paragraphs, irrespective of the proximity requirement specific to the determination of a court's international jurisdiction, to which BOSCH incorrectly refers.

Defendants domiciled outside the territory of the EMC, commercial link and even alleged infringement: application to the present case

33. In the present case, VALEO considers that the Paris Commercial Court has jurisdiction to hear the infringement action brought against the six defendant companies on the grounds that Bosch Serbia is the manufacturer of the products at issue and, in particular, carries out the act of importation into the territory of the UPC.
34. As regards the commercial link, VALEO argues in particular that such a link between Bosch Serbia and the other respondents is evident given that they all belong to the same group, namely the BOSCH Group, and that Bosch Serbia manufactures the products at issue and imports them for the purpose of offering them for sale and putting them on sale within the territory of certain EMC (France, Belgium, Germany), a fact which is not disputed in the context of the two preliminary objection proceedings.
35. Whilst the BOSCH companies dispute the existence of a direct commercial link between Bosch Serbia and all the other Respondents, they acknowledge the existence of a commercial link between the Respondents in order to seek recognition of the jurisdiction of the Düsseldorf Regional Court, which they justify on the grounds that one of the Respondents, Robert Bosch GmbH, whose registered office is in Germany, is the parent company of all the other Respondents.
36. At the stage of preliminary objections, in the absence of any challenge by BOSCH to Bosch Serbia's involvement in the manufacture and importation of the products alleged to be subject to infringement within the territory of the Member States referred to in VALEO's statement of claim, and considering furthermore that the BOSCH companies acknowledge the existence of a commercial link between the Respondents, the evidence submitted by VALEO is sufficient to establish the existence of a commercial link between the Respondents within the meaning of Article 33(1) of the UPCA. In the context of a preliminary objection (Rule 19 of the Rules of Procedure), the determination of a division's jurisdiction must not, in fact, be based on an exhaustive assessment of the evidence relating to the disputed facts which are relevant both to the assessment of the division's jurisdiction and to the assessment of the claim on the merits, as such an assessment would amount to unduly prejudging the outcome of the case on the merits. In such cases, the Court must confine itself to a summary examination of the parties' submissions and the evidence submitted to it (Barco v Yealink, para. 65).

Nor does it appear to be disputed, at the stage of preliminary objections, that the products at issue manufactured by Bosch Serbia are delivered to Bosch China for fitting, in China, to vehicles subsequently imported into the territory of the EMC countries referred to in VALEO's statement of claim.
38. As regards the existence of a single alleged infringement, the summary examination of the parties' claims and the evidence to which the Court must confine itself at the stage of considering the preliminary objection makes it possible to determine, for the purposes of assessing the conditions laid down in Article 33(1) of the UPCA, and without prejudging the examination of the merits of the alleged infringement, whether the action relates to the same alleged infringement.
39. The action brought by VALEO concerns the infringement of the patent in dispute by the Respondents in that, in particular, they offer, place on the market, hold and import for these purposes Bosch windscreen wipers from the 'Aerotwin' range intended for the IAM ('Independent Aftermarket') market segment, 'MOPAR'-branded wiper blades intended for the OEM ('Original Equipment Manufacturer') and OES ('Original Equipment Supplier') segments; and wiper blades for the 'Denza Z9' model which reproduce the subject-matter of the disputed patent.
40. At the preliminary objection stage, BOSCH argues that only Robert Bosch GmbH is accused of alleged infringement in Germany, Belgium and France in respect of all three products alleged to infringe ("MOPAR", 'Aerotwin' and 'BYD'), and that the other Respondents are accused of infringement only in certain Member States and/or in respect of certain of these products (Bosch's statement of 26 February 2026, para. 18).

41. In doing so, BOSCH does not dispute that the action, whether brought before a local division or before the central division of the General Court, relates to the same alleged infringement. The fact that, according to BOSCH, only one of the Respondents is accused of infringement in Germany, Belgium and France, whilst, as regards the other Respondents, the action is said to relate only to certain EMC and/or certain of those products, is nevertheless sufficient to establish the existence of the same alleged infringement, since it concerns the infringement of the same patent, a point which BOSCH does not dispute at the stage of the preliminary objection.
42. It follows from the foregoing that the Paris Commercial Court has jurisdiction to hear the infringement action brought before it in proceedings UPC_CFI_809/2025.

Language of the proceedings and translation of certain documents

43. As the action was brought in French, and in the absence of any justification provided by the parties for a possible change in the language of the proceedings, it is appropriate to order that the language of the proceedings before the Paris Commercial Court shall be the language in which the action was brought, namely French.
44. VALEO's request not to be required, in the course of the proceedings on the merits, to produce French translations of the pleadings and documents already filed by the parties prior to the date of this order falls within the jurisdiction of the Paris Commercial Court, before which the proceedings are continuing, and must therefore be dismissed.

Costs

45. As this order does not bring the proceedings on the merits to an end, it is not necessary to rule on the issue of costs at this stage of the proceedings (see Court of Appeal, UPC_CoA_288/2025, order of 6 October 2025, Roku v Dolby, para. 55), and consequently VALEO's application for BOSCH to be ordered to pay the costs of the proceedings must be dismissed.

ORDER

The Court of Appeal

- (i) sets aside the orders made by the Central Division (Paris Section) on 23 December 2025 and 21 January 2026,
- (ii) holds that the Central Division (Paris Section) has jurisdiction to rule on the appeal brought by the Appellant (UPC_CFI_809/2025) against the Respondents (1) to (6) and that the language of the proceedings is French,
- (iii) orders that the infringement proceedings be continued in French with effect from the date of this order,
- (iv) dismisses the Appellant's claims in all other respects.

Delivered in Luxembourg, 22 June 2026.

Klaus Grabinski, President of the Court of Appeal,

Emmanuel Gougé, Legally Qualified Judge and Reporting Judge,

Ingeborg Simonsson, legally qualified.