

ORDER
of the Court of Appeal of the Unified Patent Court
issued on 27 July 2026
case management order

APPELLANT (AND DEFENDANT BEFORE THE COURT OF FIRST INSTANCE)

WEPA NEDERLAND B.V., Swalmen, The Netherlands

represented by Andreas Kabisch, attorney at law of the law firm Meissner Bolte Patentanwälte Rechtsanwälte PartmbB, Munich, Germany and patent attorney Dr. Ernst-Ulrich Wittmann and other patent attorneys of the firm Withers & Rogers LLP, Munich, Germany

(hereinafter referred to as 'WEPA')

RESPONDENT (AND APPLICANT BEFORE THE COURT OF FIRST INSTANCE)

ESSITY HYGIENE AND HEALTH AKTIEBOLAG, Göteborg, Sweden

represented by attorney at law Frank Eijvogels and other attorneys at law of the law firm Hoyng Rokh Monegier, Paris, France and patent attorney Christian Devigny and other patent attorneys of the firm Hoffmann Eitle, Munich, Germany

(hereinafter referred to as 'ESSITY')

PATENT AT ISSUE

EP 3 289 139

DECIDING JUDGE

This order was issued by Patricia Rombach, legally qualified judge and judge-rapporteur

IMPUGNED DECISION OF THE COURT OF FIRST INSTANCE

Order dated 22 June 2026, issued by the Local Division The Hague in proceedings UPC-CFI-1103/2026 concerning the review of the order for preservation of evidence of 17 April 2026

POINT AT ISSUE

Reimbursement of overpaid Court fees

LANGUAGE OF THE CASE

English

SUMMARY OF FACTS

1. ESSITY filed applications for preserving evidence (R. 192 RoP) and for inspection (R. 199 RoP) with the Local Division The Hague.
2. In the order of 17 April 2026, the Local Division allowed the preservation of evidence, largely as requested.
3. Following WEPA's request for review, on 22 June 2026 the Local Division confirmed the order of 17 April 2026.
4. WEPA filed an appeal against the order dated 22 June 2026.
5. As instructed by CMS, WEPA paid 14,600 EUR in appeal fees.

PARTY'S SUBMISSIONS

6. WEPA argues the appeal fee should be 5,000 EUR.

REASONS

7. Pursuant to R. 228 RoP, the appellant shall pay the fixed fee and, where applicable, the value based fee for the appeal, in accordance with Part 6.
8. According to Table IV of the amended Table of Court Fees on 4 November 2025, the fixed fee due for an appeal pursuant to R. 220.1(c) RoP as to an application for orders referred to in Art. 60 or 61 UPCA is 5,000 EUR.
9. The Court of First Instance has not set the value of the proceedings in the impugned order, but according to CMS, the (anticipated) value of the case at hand at first instance is 400,000 EUR. This amount shall therefore be considered when determining the Court fees (see UPC-CoA-68-72/2026 of 15 July 2026, Qualcomm v NST). In accordance with table V, in case the value of the action is up to 500,000 EUR, there is no additional value-based fee.
10. To conclude, the fee due by WEPA for its appeal pursuant to R. 220.1(c) RoP is 5,000 EUR. However, WEPA paid court fees in the amount of 14,600 EUR. It follows that WEPA shall be reimbursed.

ORDER

The Registry is instructed to reimburse 9,600 EUR to WEPA.

Issued on 27 July 2026

Patricia Rombach, legally qualified judge and judge-rapporteur

Case management decisions or orders made by the judge-rapporteur shall be reviewed by the panel, on a reasoned Application by a party (R. 333.1 RoP).