Unified Patent Court
Einheitliches Patentgericht
Juridiction unifiée du brevet

UPC Court of Appeal
Appeal n°:
UPC-CoA-154/2026

Decision

of the Court of Appeal of the Unified Patent Court
issued on 28 October 2026
Public access to the register (R. 262.1 (b) RoP)

APPLICANT

Carpmaels & Ransford LLP, One Southampton Row, London, WC1B 5HA, United Kingdom

represented by attorney-at-law Agathe Michel-de Cazotte, Carpmaels & Ransford LLP

APPLICANTS AND APPELLANTS (DEFENDANTS IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

1. **Sumi Agro Limited**, Bürgermeister-Neumeyr-Str. 7, 85391 Allershausen, Germany
2. **Sumi Agro Europe Limited**, Bürgermeister-Neumeyr-Str. 7, 85391 Allershausen, Germany

hereinafter together: "**Sumi**"

both represented by European patent attorney Gareth Williams, Marks & Clerk LLP, as well as attorneys-at-law Johannes Heselberger and Dr. Kerstin Galler, and European patent attorney Dr. Axel B. Berger, Bardehle Pagenberg Partnerschaft mbB Patentanwälte Rechtsanwälte

RESPONDENT (APPLICANT IN THE PROCEEDINGS BEFORE THE COURT OF FIRST INSTANCE

Syngenta Limited., Jealott's Hill International Research Centre, RG42 6EY Bracknell, Berkshire, United Kingdom

represented by attorneys-at-law Dr. Jörn Peters and Benjamin Grzimek , Casalonga Rechtsanwälte Patentanwälte

hereinafter: "**Syngenta**"

PATENT AT ISSUE

EP 2 152 073

PANEL AND DECIDING JUDGE

PANEL 1

Klaus Grabinski, President of the UPC Court of Appeal and judge-rapporteur

LANGUAGE OF THE PROCEEDINGS

English

THE REQUEST AND THE PARTY SUBMISSIONS

1. On 23 December 2025, the Court of Appeal permitted the withdrawal of the application for rehearing UPC_CoA_523/2024 and declared the proceedings closed.

2. The Applicant requests access to written pleadings and evidence of these proceedings pursuant to R. 262.1(b) RoP, as follows:

   "1.6.1. Sumi's rehearing request – submitted on 5 May 2025 (and any evidence related to such request including Exhibits SA-1 to SA-2); and

   1.6.2. Syngenta's response to Sumi's rehearing request – submitted on 28 July 2025."

   As far as only redacted versions of the written pleadings and evidence are available, the Applicant limits the application for access to these versions.

3. In its request, the Applicant refers to the general interest for information and submits it in order to gain a better understanding of how the parties and the UPC conducted the proceedings in view of the arguments and evidence relied upon by the parties in the context of Sumi's Application for rehearing. This access would enhance the Applicant's ability to provide professional and expert advice to its clients before the UPC.

4. The Applicant also points out that there is no intention to use the requested documents for commercial use such as making them available against payment, but rather intends to use them to gain a better understanding of the case law by studying the documents.

5. On 30 September 2026, the Court of Appeal invited Sumi and Syngenta to provide comments on the request pursuant to R. 262.5 RoP.

6. In its reply of 16 October 2026, Sumi objects to the request insofar as the Applicant seeks access to documents, namely Exhibit SA-1 filed on 5 May 2025 with the Court of Appeal, which contains UPC representative banking information and personal data within the meaning of Regulation (EU) 2016/679.

7. In its reply of 19 October 2026, Syngenta does not oppose the application and leaves the decision to the discretion of the Court.

GROUNDS FOR THE ORDER

General

8. Subject to conditions set out in the UPCA and the RoP, the register kept by the Registry shall be public (Art. 10(1) second sentence UPCA).

9. Art. 45 UPCA stipulates that the proceedings shall be open to the public unless the Court decides to make them confidential, to the extent necessary, in the interest of one of the parties or other affected persons, or in the general interest of justice or public order.

10. R. 262.1(b) RoP provides that, without prejudice to several articles and rules that provide for the protection of confidential information mentioned in R. 262.1 RoP, the redaction of personal data pursuant to Regulation (EU) 2016/679 (hereinafter referred to as protection of personal data) and redaction of confidential information according to R. 262.2 RoP, written pleadings and evidence, lodged at the Court and recorded in the Registry, shall be available to the public upon reasoned request to the Registry; the decision is taken by the judge-rapporteur after consulting the parties.

11. In its Order of 10 April 2024, the Court of Appeal set out the general principles for deciding on requests to make written pleadings and evidence available to members of the public pursuant to R. 262.1(b) RoP (see CoA, decision of 10 April 2024, UPC_CoA_404/2023 – Ocado). According to these principles, the relevant interests are usually properly balanced and duly weighed against each other if access is granted after the proceedings have come to an end by a decision of the Court.

12. A law firm may also be a member of the public within the meaning of R. 262.1 (b) RoP (see decision of 9 January 2025, UPC_CoA_480, UPC_CoA_481/2024 – Abbott v Powell Gilbert).

13. What the Applicant has submitted about its interest in access fulfils the requisite criteria and the request shall be granted insofar as it does not relate to confidential information.

Confidential information, redaction of personal data

14. Applying the aforementioned principles to the present case, the request for access shall not be granted to Exhibit SA-1 filed on 5 May 2025 with the Court of Appeal which contains confidential UPC representative bank details. Access to Exhibit SA-2 shall also not be granted, as it contains confidential information relating to invoices issued by Sumi's representative.

15. The documents shall be redacted of personal data prior to making them available to the Applicant. The Registry shall see to this.

DECISION

I. The following written pleadings and exhibits shall be made available to the Applicant after redaction of personal data:

- Sumi's rehearing request – submitted on 5 May 2025,
- Syngenta's response to Sumi's rehearing request – submitted on 28 July 2025.

II. The remainder of the Applicant's request is dismissed.

III. This decision closes the application.

This order was issued on 28 October 2026.

KLAUS STEFAN MARTIN Grabinski

Digitally signed by KLAUS STEFAN MARTIN Grabinski
Date: 2026.10.28 16:19:40 +01'00'

Klaus Grabinski, President of the UPC Court of Appeal and Judge-rapporteur