

# CASE COMMENT

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## UPC PROCEEDINGS: WILL ENGLISH BE THE LINGUA FRANCA?

By an order of 3 November 2023, in a case opposing a US claimant to German, French and US defendants ([UPC CFI 14/2023](#))\*, the judge-rapporteur of Munich Local Division ordered a change in the language of the proceedings from German to English pursuant to RoP 322 (use of language of the patent if the parties and the panel agree). The use of English, which is the language of the asserted patent, was suggested by the defendants. Consulted by the judge-rapporteur, the claimant explained that it had chosen German to “make the work most manageable for the members of the Panel” but did not oppose the use of English. The judge-rapporteur consulted the other members of the panel who agreed on the switch of language.

In another case between two Dutch claimants and a Spanish defendant before The Hague Local Division ([UPC CFI 239/2023](#)), the President of the Court of First Instance has ordered on 18 October 2023 a switch of the language of the proceedings from Dutch to English pursuant to RoP 323 (use of language of the patent upon application of one party), on the basis that both parties have a good command of English and that the language initially chosen is significantly detrimental to the defendant.

All Local and Regional Divisions of the Court of First Instance have designated English as a possible language of the proceedings (see <https://www.unified-patent-court.org/en/court/language-proceedings>).

UPC judges have also recently stated at conferences that the use of English in the proceedings facilitates the staffing of the panels, because all judges of the Court First Instance have a good command of this language.

\*Find [here](#) an English version of the decision of the UPC on case UPC\_CFI\_14/2023.

