

The Unified Patent Court's long-arm jurisdiction

1. Introduction

A string of decisions since early 2025 has transformed the Unified Patent Court into a **global litigation forum**.

What has become increasingly clear over the past eighteen months is that the UPC's jurisdiction extends well beyond Europe's borders. Through a series of landmark decisions—beginning with the CJEU's pivotal ruling in *BSH Hausgeräte v. Electrolux* (February 2025) and swiftly followed by several UPC local divisions—the Court has established itself as a genuinely far-reaching litigation forum.

The UPC can now adjudicate patent infringement claims against companies domiciled outside the EU and the UPC contracting member states, provided that sufficient connecting factors exist, such as the presence of co-defendants or related activities within the UPC territory.

2. The emerging framework

The foundation was laid by the CJEU in *BSH v. Electrolux*, which confirmed that the courts of the defendant's domicile retain jurisdiction over patent infringement claims, even where the patent was granted in another European state such as Spain or Poland, or even in a third country outside Europe (such as UK or Turkey) and its validity is challenged.

The UPC's local divisions moved quickly to apply and build on that ruling.

In *Mul-T-Lock v. IMC Créations* (Paris Local Division, March 2025), the UPC held that so long as one of the defendants was domiciled in a UPC country, the proceedings could concern the countries where the patent was in force, including national designations in countries that were not signatories to the UPCA.

The Milan Local Division reached the same conclusion in *Dainese v. Alpinestars* (April 2025, Preliminary Objection Order), where SIB LEX assisted Dainese, confirming jurisdiction over the Spanish part of a patent on the sole basis that the defendant was domiciled in Italy.

The first *Dyson v. Dreame* order (Hamburg, August 2025) added another aspect by introducing the concept of the "**anchor defendant**", an EU-domiciled company whose

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presence in proceedings can be used to draw in co-defendants located anywhere in the world (in that case, Hong Kong), where their commercial conduct is sufficiently connected to that of the anchor.

3. Dyson v Dreame - The April 2026 Decision

In its decision of 7 April 2026 (Dyson v. Dreame, UPC_CFI_2255/2025), the Hamburg Local Division further refines and expands the **boundaries of long-arm jurisdiction**.

The case concerns the alleged infringement of a European patent relating to hair styling devices and involves a distribution chain spanning the EU and the UK.

The claimant sought a preliminary injunction not only for UPC territories, but also for the Spanish and UK national parts of the patent.

The defendants span multiple jurisdictions: Dreame International (Defendant 1, Hong Kong), Dreame Technology AB (Defendant 2, Sweden), Dreame Technology Netherlands B.V. (Defendant 3, Netherlands), Teqphone GmbH (Defendant 4, Germany), and Cellcom Ltd. (Defendant 5, UK).

While the decision confirms a broad approach grounded in Article 4 of the Brussels, I Recast Regulation (BR), it also highlights **foreseeability as a meaningful limiting principle**.

4. Universal Jurisdiction over a NON-UPCA Territory confirmed

Even though Spain is not a Contracting Member State of the UPCA, the Hamburg Local Division confirmed its jurisdiction over the Spanish national part of the patent in suit with respect to Defendant 1 and 3.

Dreame Netherlands is the EU representative for Defendant 1 and acts as the importer of record for all shipments into the European Union, including Spain.

The UPC confirmed its jurisdiction over Dreame Netherlands by virtue of its **Dutch domicile alone**, with no need to assess where the infringing acts occurred.

Indeed, under Article 4 BR, any person domiciled in a Member State may be sued in the courts of that Member State, furthermore, the UPC, following Article 71a BR, is treated as a common court of the Contracting Member States.

The most significant part of the decision relates, however, to the position of Defendant 1 (Dreame International), the Hong Kong based company.

Dreame International had no EU domicile and no direct presence in any contracting member state.

The **jurisdictional hook** was its Dutch subsidiary, Dreame Netherlands. The subsidiary's Dutch domicile was sufficient to bring the parent company (Defendant 1) within UPC jurisdiction for infringing acts across all of Europe, including Spain.

This is possible because Article 8(1) BR allows a defendant to be sued before the court of a Member State where a co-defendant is domiciled, provided the claims are so **closely connected** that it is expedient to hear them together in order to **avoid the risk of irreconcilable judgments**.

The requirement of the close connection was satisfied as both defendants were **jointly active in the distribution of the infringing products in Spain**, Dreame Netherlands as importer, Dreame International as operator of the Spanish online shops.

The message is clear: **a non-EU parent company that runs European e-commerce operations can be drawn into UPC proceedings via its subsidiary's EU domicile**.

5. Where the mechanism stops: foreseeability as the limiting principle

The decision is equally important for what it refused to do. Dyson sought to extend the injunction to Cellcom Ltd. (Defendant 5), a UK-based distributor, arguing that Dreame Netherlands' (Defendant 3) role as EU authorized representative under the General Product Safety Regulation (GPSR) in Northern Ireland created a sufficient connection to anchor jurisdiction over the British company.

The Hamburg Local Division firmly denied the UPC's jurisdiction over Defendant 5. The GPSR designation exists to manage the regulatory consequences of the Irish border arrangements, and it creates no meaningful link between Dreame Netherlands and Cellcom's activities on the UK market.

The court framed its refusal around **foreseeability**, drawing on the CJEU's *Painer* judgment: **a UK distributor operating exclusively on the UK market cannot reasonably foresee being drawn into UPC proceedings on the basis that a Dutch company performs a GPSR compliance function in Northern Ireland**.

As a result, extending jurisdiction over Defendant 5 would contravene the foreseeability requirement underlying Article 8(1) BR, which functions as an exception to the general rule of domicile-based jurisdiction.

The Court's conclusion is clear: **regulatory compliance rules cannot serve as a backdoor to extend UPC jurisdiction over defendants for whom the necessary foreseeability is absent**.

6. Long-arm jurisdiction in *Dainese v Alpinestars et al.*¹

The Milan Local Division's decision of 21 April 2026 (UPC CFI 472/2024) confirms and refines the same jurisdictional framework.

¹ <https://www.juve-patent.com/cases/upc-upholds-dainese-airbag-patent-but-rules-not-infringed/>

The Milan division upheld its jurisdiction over Motocard (a Defendant based in Spain) infringing conduct in Spain by applying Article 8(1) Brussels I Recast assessing each of the conditions identified by the CJEU.

Indeed, the **factual situation** was identical: the same patent, the same allegedly infringing products, and a coordinated supply chain linking Italian manufacturers to the Spanish distributor.

Also, the **legal situation** was identical: the court found no material divergence between the Spanish Patent Act and the UPCA on direct and indirect infringement, both tracing back to the Enforcement Directive.

As to the requirement of **foreseeability**, Motocard had operated in Italy and purchased directly from the co-defendants, making it entirely foreseeable that it might face proceedings in the court of its supplier's domicile.

Finally, on **abuse**, the Court confirmed that the burden of proving misuse of Article 8(1) rests on the defendants, and that burden was not met here. Article 8(1) is not available where the sole purpose of joining a defendant is to remove it from its forum, but that was simply not the case.

7. Conclusions

The evolution from BSH to Dyson v. Dreame and Dainese v Alpinestars et al. has practical consequences for any **non-EU company with a presence in Europe**, whether through a subsidiary, a distribution arrangement, or digital commerce.

The question to ask is what the EU company actually does.

An entity that imports goods into the EU, operates *online* stores, or manages the commercial distribution of products for the group functions as a potential **jurisdictional anchor** for the entire corporate group.

The **parent company can be brought into UPC proceedings via the subsidiary's EU domicile**, provided the two entities are commercially active in the distribution of the infringing products.

Dainese v. Alpinestars adds a further dimension: the anchor need not be a subsidiary at all.

A distributor that purchases directly from a UPC-domiciled manufacturer and operates within the same infringing supply chain is equally exposed, even if it has no corporate connection to the other defendants and is established in a non-UPCA Member State.

However, not all European corporate presence creates equal exposure. A compliance-only entity does not on its own anchor UPC jurisdiction over the broader group. The Dyson v. Dreame decision drew that line explicitly. **The exposure arises where the EU entity is operationally and commercially involved in the conduct that constitutes the alleged infringement.**

Across both decisions, foreseeability has emerged as the principle that both enables and limits long-arm jurisdiction.

A company that sells into EU markets through a UPC-domiciled partner, or that participates in a distribution chain originating in a UPC Member State, should treat UPC exposure as a foreseeable litigation risk. Conversely, a company operating exclusively outside the UPC territory cannot reasonably be expected to foresee being drawn into UPC proceedings merely because another entity performs a regulatory compliance function within the EU.

Milano, 29 April 2026

A handwritten signature in black ink that reads 'Mario Pozzi'.

Mario Pozzi

A handwritten signature in black ink that reads 'Francesca Belloni'.

Francesca Belloni