

DECLARATION OF THE CONTRACTING NORDIC AND BALTIC STATES TO THE AGREEMENT ON THE ESTABLISHMENT OF A NORDIC-BALTIC REGIONAL DIVISION OF THE UNIFIED PATENT COURT CONCERNING THE DESIGNATION OF THE LOCATION OF HEARINGS

1. The Contracting Nordic and Baltic States (hereafter referred to as “the Contracting States”) on the establishment of a Nordic-Baltic regional division of the Unified Patent Court have agreed that the Nordic-Baltic Regional Division should make use of the possibility to hear cases in multiple locations as provided for in Article 7(5) of the Agreement on the Unified Patent Court to the highest extent possible.

 2. The Contracting States have agreed that the following principles should apply for the designation of the location of hearings:
 - a) When an action is brought before the Nordic-Baltic regional division the hearing should take place in the Nordic or Baltic state where the defendant has its residence or place of business. Notwithstanding this the Presiding judge may, when designating the location of the hearing, take into account all relevant circumstances such as (i) any request of the parties regarding the location of the hearing, (ii) the applicant’s grounds (such as limited or insufficient financial resources) for requesting that the hearing takes place in the Nordic or Baltic state where the applicant has its residence or place of business or (iii) the place where the actual or threatened infringement has occurred or may occur.

 - b) In a case of multiple defendants or in a case where there is no defendant that has its residence or place of business within the Nordic or Baltic State the Presiding judge should designate the location of the hearing taking into account all relevant circumstances such as (i) any request of the parties regarding the location of the hearing, (ii) the applicant’s grounds (such as limited or insufficient financial resources) for requesting that the hearing takes place in the Nordic or Baltic state where the applicant has its residence or place of business or (iii) the place where the actual or threatened infringement has occurred or may occur.
-