

AGREEMENT  
on the establishment of a Nordic-Baltic regional division of the  
Unified Patent Court

The Contracting Nordic and Baltic States,

CONSIDERING that the cooperation among the Contracting Nordic and Baltic States (hereafter referred to as “the Contracting States”) constitutes the natural continuation of the work undertaken to establish a Unified Patent Court common to the Member States of the European Union and should be undertaken in the spirit of a true Nordic-Baltic cooperation;

REAFFIRMING the importance of protecting intellectual property rights and their key role in the further sustainable economic growth in the Nordic-Baltic region;

CONSIDERING that a Nordic-Baltic regional division should provide proximity to users of the patent system, in particular small and medium sized companies, which is a prerequisite for ensuring access to justice;

CONSIDERING that such a 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 (hereinafter referred to as “the UPC Agreement”) to the greatest extent possible;

CONSIDERING that this Agreement should be open to accession by any Nordic or Baltic State which is a Signatory State of the UPC Agreement;

have agreed on the following:

Article 1 – Establishment

The Contracting States shall request that the Unified Patent Court sets up a Nordic-Baltic regional division as provided for in Article 7(5) of the UPC Agreement and in accordance with Article 18 of the Statute of the Court.

Article 2 – Hearing cases in multiple locations

In accordance with Article 7(5) of the UPC Agreement the Contracting States shall make it possible for the Nordic-Baltic regional division to hear cases in multiple locations to the greatest extent possible. Each Contracting State taking part in the Nordic-Baltic regional division shall designate facilities in their respective State for hearings.

Article 3 – Facilities and costs

The costs of providing facilities for hearings, including necessary administrative support, shall be borne by each respective Contracting State providing such facilities.

#### Article 4 – Language of proceedings

The Contracting States shall, in accordance with Article 49(2) of the UPC Agreement, designate English as the language of proceedings in a Nordic-Baltic regional division. The use of interpretation facilities in court hearings shall be provided in accordance with the UPC Agreement and the Rules of Procedure of the Unified Patent Court.

#### Article 5 – The seat and sub-registry

The Contracting States shall, in accordance with Article 7(5) of the UPC Agreement and Article 18 of the Statute of the Court, designate the seat of the Nordic-Baltic regional division to be located, together with the sub-registry, in Stockholm, Sweden. The costs for the seat and sub-registry, which are not covered by the budget of the Unified Patent Court, shall be borne by Sweden.

#### Article 6 – Settlement of Disputes

Any dispute regarding the interpretation or application of this Agreement shall be resolved by consultations between the Contracting States.

#### Article 7 – Withdrawal

This Agreement shall remain in force for an indefinite period of time. Any Contracting State may withdraw from the Nordic-Baltic regional division, and consequently also from this Agreement, by giving twelve months written notice to the other Contracting States. A Contracting State's withdrawal does not lead to the discontinuance of the Nordic-Baltic regional division, subject to Article 7(5) of the UPC Agreement.

#### Article 8 – Accession

This Agreement shall be open to accession by any Nordic or Baltic State which is a Signatory State of the UPC Agreement. The Agreement shall enter into force for that State in accordance with Article 9.

#### Article 9 – Entry into force

This Agreement shall be approved by the Contracting States in accordance with their respective national procedures and will only have effect in each State from the time when the UPC Agreement enters into force in that State. The Contracting States shall notify each other when the requisite procedures have been completed. The Agreement shall enter into force when two Contracting States including the hosting Contracting State of the seat and sub-registry, have approved this Agreement and ratified the UPC Agreement. The entry into force of this Agreement is dependent on the entry into force of the UPC Agreement according to its Article 89.

In witness whereof the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

Done at Brussels on the 4 of March 2014 in four originals in the English language to be kept by each Contracting State.

For the Republic of Estonia

For the Republic of Latvia

For the Republic of Lithuania

For the Kingdom of Sweden

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.
-