



UPC Court of Appeal
UPC_CoA_317/2025
APL_16185/2025
(appeal)
UPC_CoA_376/2025
APL_19989/2025
(cross-appeal)
App_35194/2025

ORDER
of the Court of Appeal of the Unified Patent Court
on 21 August 2025
concerning a Request for simultaneous interpretation (R. 109 RoP)

HEADNOTES:

- In the absence of any consent by the Court to hear witnesses or experts at an oral hearing in a language other than the language of the proceedings (R. 112.6 RoP, R. 177.2 (f) RoP), and absent any interpretation need for the judges, a Request for simultaneous interpretation during the oral hearing must be justified by the requesting party.
- The fact that the defendant in proceedings for interim measures is based in a country where the language of proceedings is not an official language does not, generally, make it appropriate to order simultaneous interpretation during the oral hearing. The parties are required to be represented in accordance with Art. 48 UPCA and R. 8.1 RoP, and the representative will normally be a lawyer or patent attorney who is familiar with the language of proceedings.
- Neither does the fact that persons employed by a party (for example inhouse counsel or company directors) will have considerable difficulties in following the oral submissions and the communications during the oral hearing generally make it appropriate to order simultaneous interpretation. The presence of company officials at the oral hearing is voluntary.
- What has been said applies also for simultaneous interpretation at the parties' cost pursuant to R. 109.2 second sentence.
- Instead, the party can engage an interpreter at its own expense, provided that it informs the Registry at the latest two weeks before the oral hearing (R. 109.4 RoP).

KEYWORDS:

- Request for simultaneous interpretation (R. 109 RoP)

APPELLANT, RESPONDENT IN THE CROSS-APPEAL (AND APPLICANT IN THE PROCEEDINGS BEFORE THE CFI)

Barco N.V., Kortrijk, Belgium

(hereinafter referred to as Barco)

represented by attorney-at-law Christian Dekoninck, Taylor Wessing, Brussels, Belgium, and other representatives from that firm

RESPONDENTS AND CROSS-APPELLANTS (AND DEFENDANTS IN THE PROCEEDINGS BEFORE THE CFI)

1. **Yealink (Xiamen) Network Technology Co. Ltd.**, Xiamen City, Fujan, Peoples Republic of China
2. **Yealink (Europe) Network Technology B.V.**, Amsterdam, The Netherlands

(hereinafter jointly referred to as Yealink)

represented by attorney-at-law Ruud van der Velden, Hogan Lovells International, Amsterdam, The Netherlands, and other representatives from that firm

PATENT AT ISSUE

EP 3 732 827

LANGUAGE OF PROCEEDINGS

English

PANEL AND DECIDING JUDGE

Panel 2

Ingeborg Simonsson, legally qualified judge and judge-rapporteur

IMPUGNED ORDER OF THE COURT OF FIRST INSTANCE

ORD_68979/2024 in the proceedings for provisional measures, in ACT_54438/2024, UPC_CFI_582/2024, issued by the Brussels Local Division on 21 March 2025.

SUMMARY OF THE FACTS (INSOFAR AS RELEVANT)

1. The parties have been summoned to an oral hearing in-person in Luxembourg on 22 September 2025.

INDICATION OF THE PARTY'S REQUESTS, AND SUBMISSIONS

2. Yealink requests simultaneous interpretation from the language of the proceedings, English, into Mandarin Chinese and that the Court of Appeal instructs the Registry to make all necessary arrangements for such interpretation. In the alternative, Yealink requests that the Court of Appeal permits Yealink to engage interpreters at their cost pursuant to R. 109.2 in fine.
3. Yealink submits that simultaneous interpretation is appropriate for the following reasons:
 - Yealink is based in China where English is not an official language.
 - The field of technology is wireless presentation technology.
 - Without simultaneous interpretation, Yealink's representatives will have considerable difficulties in following Barco's oral submission, as well as other communications during the oral hearing. A proper comprehension of Barco's assertions and arguments and other communications during the oral hearing is essential for Yealink's defence.
 - It is particularly important that Yealink's representatives can follow both the technical arguments as well as arguments relating to Yealink's operations, because Yealink's representatives may have better knowledge of (certain aspects of) this than its legal representatives. Simultaneous interpretation will allow Yealink's representatives to be able to communicate better during the oral hearing, with either

the Court of Appeal or Yealink's legal representatives. Providing for interpretation during the oral hearing will thus ensure fairer and more efficient proceedings.

4. According to Yealink, it is appropriate that the costs of the interpretation shall become costs of the proceedings for the following reasons:
- Barco initiated the present proceedings without sending any warning letter to Yealink,
 - Barco chose the forum and the language,
 - Barco also chose to include the Chinese head office of Yealink as a defendant in the proceedings,
 - Yealink did not initiate these proceedings, nor did it choose the language of these proceedings,
 - Yealink has merely defended itself and did not file a counterclaim,
 - The necessity of simultaneous interpretation is thus in no way attributable to Yealink's actions or procedural choices.

GROUND FOR THE ORDER

5. The Request is admissible but unjustified in substance.

The primary Request

6. Art. 51(2) UPCA states that at the request of one of the parties, and to the extent deemed appropriate, any division of the Court of First Instance and the Court of Appeal shall provide interpretation facilities to assist the parties concerned at oral proceedings.
7. Pursuant to R. 109.1 RoP, a party may lodge, at the latest one month before the oral hearing including any separate hearing of witnesses and experts, a Request for simultaneous interpretation which shall contain: (a) an indication of the language to or from which the party requests simultaneous interpretation during the oral hearing; (b) the reasons for the Request; (c) the field of technology concerned; (d) any other information of relevance for the Request.
8. The judge-rapporteur shall decide whether and to what extent simultaneous interpretation is appropriate and shall instruct the Registry to make all necessary arrangements for simultaneous interpretation. (R. 109.2 RoP, first sentence).
9. Costs for simultaneous interpretation are costs of the proceedings to be decided upon under R. 150 RoP except where a party engages an interpreter at its own expense under R. 109.4 RoP; these costs are borne solely by that party (R. 109.5 RoP).
10. Yealink's Request is admissible. It was lodged on 20 August 2025 and thus within the one-month time period in R. 109.1 RoP, and fulfils the formal requirements of R. 109.1 RoP lit. a-d.
11. Proceedings before the UPC are adversarial and commercial in nature. Notably, the requirements for the protection of the rights of the defence are not as stringent in civil and commercial matters as they are in criminal proceedings (see judgment of 8 May 2008, Weiss und Partner, C-14/07, EU:C:2008:264, para 72).
12. When the parties are summoned to an oral hearing, this will have been preceded by service of documents

(see R. 270 et seq. RoP), and a written and interim procedure in the language of proceedings (Art. 49–51 UPCA). This means that the parties will normally have had time to organise themselves properly relative the language of proceedings.

13. In the absence of any consent by the Court to hear witnesses or experts at an oral hearing in a language other than the language of the proceedings (R. 112.6 RoP, R. 177.2 (f) RoP), and absent any interpretation need for the judges, a Request for simultaneous interpretation during the oral hearing must be justified by the requesting party.
14. The fact that the defendant in proceedings for interim measures is based in a country where the language of proceedings is not an official language does not, generally, make it appropriate to order simultaneous interpretation during the oral hearing. The parties are required to be represented in accordance with Art. 48 UPCA and R. 8.1 RoP (see UPC CoA 404/2023, order of 8 February 2024, Ocado), and the representative will normally be a lawyer or patent attorney who is familiar with the language of proceedings.
15. Neither does the fact that persons employed by a party (for example inhouse counsel or company directors) will have considerable difficulties in following the oral submissions and the communications during the oral hearing, generally make it appropriate to order simultaneous interpretation. The presence of company officials at the oral hearing is voluntary.
16. Instead, the party can engage an interpreter at its own expense, provided that it informs the Registry at the latest two weeks before the oral hearing (R. 109.4 RoP).
17. What Yealink has brought forward, including its submission on improved communication and fairer and more efficient proceedings, does not make it appropriate to decide on simultaneous translation during the oral hearing.

The alternative Request

18. In the event that the judge-rapporteur refuses to order simultaneous interpretation the parties may request arrangements to be made, so far as practically possible, for simultaneous interpretation at their cost (R. 109.2 RoP, second sentence).
19. Yealink is confusing R. 109.2 RoP and R. 109.4 RoP when asking the Court of Appeal to allow it to engage interpreters at its own expense pursuant to R. 109.2 RoP, and arguing that the costs shall become costs of the proceedings.
20. If R. 109.2 RoP is applied, the arrangements for simultaneous translation are made by the Court. The costs are initially borne by the parties but can ultimately be compensated as costs of the proceedings to be decided upon under R. 150 RoP (see R. 109.5 RoP). If, on the other hand, R. 109.4 RoP is applied, the party engages the interpreter and the costs are borne solely by that party (R. 109.4 and .5 RoP).
21. For the reasons stated in relation to the primary Request, an order for simultaneous interpretation under the conditions requested by Yealink in its alternative request is out of the question (see also UPC CoA 520/2024, order of 11 December 2024, Scandit vs Hand Held Products).

ORDER

Yealink's Request for simultaneous interpretation is denied.

Issued on 21 August 2025

Ingeborg Simonsson, legally qualified judge and judge-rapporteur