

**Dyson (GB) v (1) Dreame Int. (HK), (2) Teqphone (local distributor DE), (3) Eurep (authorized representative DE) and (4) Dreame Tech. AB (local distributor SE)**

**LD Hamburg – [UPC CFI 387/2025](#)**

Dyson's patent is in force in all UPCA Contracting Member States (CMS) and in ES. The CFI issued a preliminary injunction on all four defendants for the CMS territory and on defendant 1 and 3 for ES. The CFI considered Eurep's position as an **authorized representative** under the EU regulations 2023/988/EU on general product safety and 2019/102/EU on market surveillance and compliance of products to fulfil the position of an **intermediary** according to Art. 63(1 - second sentence) UPCA and Art. 71(2) Spanish Patent Act, both corresponding to Art. 9(1a) of the enforcement directive 2004/48/EC.

**CoA – [UPC CoA 813/2025](#)**

The CoA **confirms** the preliminary injunctions on defendants (1), (2) and (4) for the territory of the UPCA CMS.

**CoA – [UPC CoA 789/2025](#)**

The CoA stays the proceedings regarding the preliminary injunction on defendants (1) and (3) regarding ES and seeks clarification on the position of defendant (3) as an intermediary with its **first referral** to the CJEU with four questions (simplified and limited; e.g. UPC – “common court”) in relation to the interpretation of Brussels I recast, Arts. 8(1), 71a(2) and 71b(2). The actual questions can be accessed through the link above.

1. Can the UPC hear a case against a first company in a [third] non-EU State concerning infringement of a European patent in force in an EU Member State not being a UPCA CMS and a second company (providing services as an intermediary to the first company) established in a UPCA CMS if there also is another defendant in a UPCA CMS to avoid the risk of conflicting decisions?
2. Does the UPC have jurisdiction in relation to provisional measures against a company in a [third] non-EU State that is alleged to infringe a European patent both in a non-UPCA State and a UPCA CMS if the products are offered in all those EU Member States through essentially identical websites?
3. Is it relevant for Question 2 that the company uses the services of a company in a UPCA CMS to infringe?
4. Does Art. 9(1) of the enforcement directive or other Union law provision prevent the UPC to issue an injunction against a third party using the services of an **authorized representative** only enabling market access to the EU for the third party?

The outcome of the referral should i.a. clarify the situation on irreconcilable decisions in view of Art. 8(1) Brussels I recast and the position of an intermediary providing services to a third party. Further decisions (e.g. [UPC\\_CoA\\_922-925/2026](#)) of the **CoA** are expected relating to the Brussels I recast (the long arm jurisdiction of the UPC).