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# Kluwer Patent Blog

## District Court Duesseldorf confirms rightful service of a patent infringement complaint without a translation

Thomas Musmann (Rospatt Osten Pross) · Tuesday, June 8th, 2010

The District Court Duesseldorf held that the addressee may not refuse acceptance of a complaint according to Art. 8 para. 1 lit. a) of Regulation (EC) No. 1393/2007 on the Service in the Member States of Judicial and Extrajudicial Documents in Civil or Commercial Matters if the court file contains objective evidence that the document is in a language which the addressee understands (Default Judgment of 12.01.2010, 4b O 286/08; subject to appeal).

In the case before the court, such objective evidence was a letter by the manager of the defendant company to the court in which he raised arguments, in fluent German, against the local jurisdiction of the District Court in Germany. The court found that the content, form and style of the letter demonstrated objectively that the manager had sufficient knowledge of the German language and that he was aware of the meaning of a complaint as well as of possible defences.

This decision continues the jurisprudence of the ECJ (judgment of 8.5.2008 – C-14/07 – Ingenieurbuero M. Weiss und Partner GbR/IHK Berlin) and further facilitates service in a Member States without the delay due to extensive translations. Defendants who refuse acceptance of a complaint should be aware that they risk a default judgment if the court file contains objective evidence on their language skills.

Hetti Hilge (Rospatt Osten Pross)

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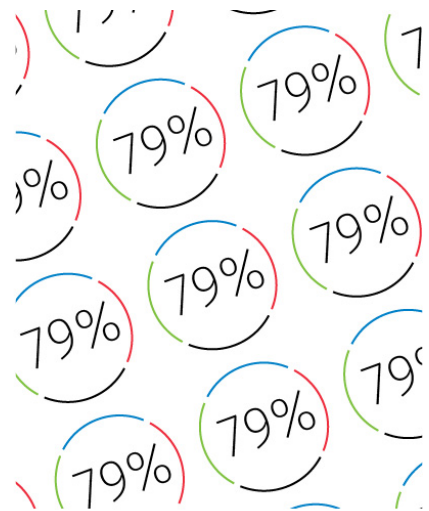
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