EIP

When is a managing director an accomplice to patent infringement?

Philips v Belkin

UPC_CoA_534/2024, UPC_CoA_19/2025 and UPC_CoA_683/2024, decision of 3 October 2025[1]

This is an appeal against a finding of infringement by Belkin of Philips' patent relating to wireless inductive power transfer, and against the dismissal of Belkin's counterclaim for invalidity. In addition to injuncting several Belkin group companies, the first instance judgment ordered the managing directors of Belkin to "refrain from performing their services as managing director . . . in such a way that the patent-infringing acts are carried out" as accomplices to the infringement. It did not, however, injunct the managing directors more generally (i.e. if they were to start a new company to carry on infringement) or require any payment of damages by the directors.

Both Belkin and Philips appealed. Belkin requested that both decisions be set aside in their entirety, the infringement proceedings to be dismissed, and the patent to be revoked in Germany, Belgium, France, Italy, the Netherlands, Austria and Sweden. Belkin also expanded its arguments on first instance and claimed for the first time invalidity due to lack of inventive step. Philips requested that Belkin's managing directors be ordered to cease and desist, provide further information and to pay damages, as well as requesting that Belkin pay the costs of the case and extend the recall following the finding of infringement.

The Court of Appeal dismissed Belkin's request for dismissal of the counterclaim for revocation. In doing so, they did substantially consider Belkin's new arguments, stating that they were "a matter of different understanding of disclosure passages in a document

of the prior art on which Belkin had already based its argumentation in the first instance", and that Phillips had sufficient opportunity to comment.

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The Court of Appeal also dismissed Belkin's appeal against the finding of infringement against the Belkin group companies. However, the Court did dismiss the order against the managing directors, finding that their activities were not sufficient to establish themselves as accomplices. The Court clarified that for a managing director to be an accomplice, they must either deliberately use the company to commit patent infringement, or if they are aware that the company is committing patent infringement, aware that the act of use is illegal, and takes no action to stop the infringement

[1] https://www.unifiedpatentcourt.org/en/node/149310