

**Request for a preliminary ruling from the Svea hovrätt, Patent- och marknadsöverdomstolen
(Sweden) lodged on 24 May 2022 — BSH Hausgeräte GmbH v Aktiebolaget Electrolux**

(Case C-339/22)

(2022/C 284/23)

Language of the case: Swedish

Referring court

Svea hovrätt, Patent- och marknadsöverdomstolen

Parties to the main proceedings

Appellant: BSH Hausgeräte GmbH

Respondent: Aktiebolaget Electrolux

Questions referred

1. Is Article 24(4) of Regulation (EU) 1215/2012 ⁽¹⁾ of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that the expression ‘proceedings concerned with the registration or validity of patents ... irrespective of whether the issue is raised by way of an action or as a defence’ implies that a national court, which, pursuant to Article 4(1) of that regulation, has declared that it has jurisdiction to hear a patent infringement dispute, no longer has jurisdiction to consider the issue of infringement if a defence is raised that alleges that the patent at issue is invalid, or is the provision to be interpreted as meaning that the national court only lacks jurisdiction to hear the defence of invalidity?
2. Is the answer to Question 1 affected by whether national law contains provisions, similar to those laid down in the second subparagraph of Paragraph 61 of the Patentlagen (Patents Law), which means that, for a defence of invalidity raised in an infringement case to be heard, the defendant must bring a separate action for a declaration of invalidity?
3. Is Article 24(4) of the Brussels I Regulation ⁽²⁾ to be interpreted as being applicable to a court of a third country, that is to say, in the present case, as also conferring exclusive jurisdiction on a court in Turkey in respect of the part of the European patent which has been validated there?

⁽¹⁾ OJ 2012 L 351, p. 1.

⁽²⁾ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2012 L 351, p. 1).