

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Request for a preliminary ruling from the Sąd Najwyższy (Poland) lodged on 14 July 2015 —  
Stowarzyszenie ‘Oławska Telewizja Kablowa’, Oława v Stowarzyszenie Filmowców Polskich,  
Warsaw**

(Case C-367/15)

(2016/C 007/13)

*Language of the case: Polish*

**Referring court**

Sąd Najwyższy

**Parties to the main proceedings**

*Appellant in the appeal on a point of law:* Stowarzyszenie ‘Oławska Telewizja Kablowa’, Oława

*Other party:* Stowarzyszenie Filmowców Polskich, Warsaw

**Questions referred**

1. Is Article 13 of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights <sup>(1)</sup> to be interpreted as meaning that the rightholder whose economic rights of copyright have been infringed may seek redress for the damage which it has incurred on the basis of general principles, or, without having to prove loss and the causal relationship between the event which infringed its rights and the loss, may seek payment of a sum of money corresponding to twice the amount of the appropriate fee, or, in the event of a culpable infringement, three times the amount of the appropriate fee, whereas Article 13 of Directive 2004/48 states that it is a judicial authority which must decide on damages by taking into account the factors listed in Article 13 (1)(a), and only as an alternative in certain cases may set the damages as a lump sum, taking into consideration the elements listed in Article 13(1)(b) of that directive?
2. Is the award, made at the request of a party, of damages as a pre-determined lump sum corresponding to twice or three times the amount of the appropriate fee permissible pursuant to Article 13 of the directive, regard being had to the fact that recital 26 of the preamble thereto states that it is not the aim of the directive to introduce punitive damages?

<sup>(1)</sup> OJ 2004 L 157, p. 45.