

Request for a preliminary ruling from the Tatabányai Törvényszék (Hungary) lodged on 26 May 2017 — Éva Nothartová v József Boldizsár Sámson

(Case C-306/17)

(2017/C 269/11)

Language of the case: Hungarian

Referring court

Tatabányai Törvényszék

Parties to the main proceedings

Applicant: Éva Nothartová

Defendant: József Boldizsár Sámson

Question referred

Where there is a counterclaim arising from a contract or facts different from those on which the claim is based, for the purposes of determining jurisdiction to hear and determine the counterclaim:

- (a) Does only Article 8(3) of Regulation (EU) No 1215/2012 ('the Brussels Ia Regulation')⁽¹⁾ apply because only that provision concerns the counterclaim, or
- (b) Does Article 8(3) of the Brussels Ia Regulation refer solely to a counterclaim arising from the same contract or facts on which the claim is based, so that that regulation does not apply to a counterclaim which does not arise from the same contract or facts on which the claim is based, and for this reason must it be determined, in accordance with the other rules of jurisdiction under the Brussels Ia Regulation, that the court with jurisdiction to hear and determine the claim also has jurisdiction to hear and determine the counterclaim?

⁽¹⁾ 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).

Request for a preliminary ruling from the Gerechtshof Arnhem-Leeuwarden (Netherlands) lodged on 29 May 2017 — Levola Hengelo BV v Smilde Foods BV

(Case C-310/17)

(2017/C 269/12)

Language of the case: Dutch

Referring court

Gerechtshof Arnhem-Leeuwarden

Parties to the main proceedings

Applicant: Levola Hengelo BV

Defendant: Smilde Foods BV

Questions referred

1. (a) Does Union law preclude the taste of a food product — as the own intellectual creation of the author — being granted copyright protection? In particular: