

Operative part of the judgment

Article 6(1), first subparagraph, second sentence, and Article 6(2) of Directive 97/7/EC of the European Parliament and of the Council of 20 May 1997 on the protection of consumers in respect of distance contracts are to be interpreted as precluding national legislation which, in the context of a distance contract, requires the cost of delivering the goods to be charged to the consumer after he exercises his right of withdrawal.

(¹) OJ C 32, 7.2.2009.

Judgment of the Court (Third Chamber) of 15 April 2010 (reference for a preliminary ruling from the Tribunal de grande instance de Paris (France)) — Fundación Gala-Salvador Dalí, Visual Entidad de Gestión de Artistas Plásticos v Société Auteurs dans les arts graphiques et plastiques, Juan-Leonardo Bonet Domenech, Eulalia-María Bas Dalí, María del Carmen Domenech Biosca, Antonio Domenech Biosca, Ana-María Busquets Bonet, Mónica Busquets Bonet

(Case C-518/08) (¹)

(Approximation of laws — Intellectual property — Copyright and related rights — Resale right for the benefit of the author of an original work of art — Directive 2001/84/EC — Persons entitled to receive royalties after the death of the author of the work of art — Concept of ‘those entitled’ — National legislation retaining, for a period of 70 years after the death of the author, the resale right solely for the benefit of the author’s heirs, to the exclusion of all legatees and successors in title — Whether that legislation is compatible with Directive 2001/84)

(2010/C 148/10)

Language of the case: French

Referring court

Tribunal de grande instance de Paris

Parties to the main proceedings

Applicants: Fundación Gala-Salvador Dalí, Visual Entidad de Gestión de Artistas Plásticos

Defendants: Société Auteurs dans les arts graphiques et plastiques, Juan-Leonardo Bonet Domenech, Eulalia-María Bas Dalí, María del Carmen Domenech Biosca, Antonio Domenech Biosca, Ana-María Busquets Bonet, Mónica Busquets Bonet

Re:

Reference for a preliminary ruling — Tribunal de grande instance de Paris — Interpretation of Article 6 and Article 8(2) and (3) of Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art (OJ 2001 L 272, p. 32) — Beneficiaries of the resale right after the death of the author of the work — Whether a national law which retains, for a period of 70 years, the resale right for the benefit of the heirs of the author, to the exclusion of all legatees and successors in title complies with Directive 2001/84/EC

Operative part of the judgment

Article 6(1) of Directive 2001/84/EC of the European Parliament and of the Council of 27 September 2001 on the resale right for the benefit of the author of an original work of art must be interpreted as not precluding a provision of national law, such as the provision at issue in the main proceedings, which reserves the benefit of the resale right to the artist’s heirs at law alone, to the exclusion of testamentary legatees. That being so, it is for the referring court, for the purposes of applying the national provision transposing Article 6(1) of Directive 2001/84, to take due account of all the relevant rules for the resolution of conflicts of laws relating to the transfer on succession of the resale right.

(¹) OJ C 32, 7.2.2009.

Judgment of the Court (Third Chamber) of 15 April 2010 (reference for a preliminary ruling from the Hoge Raad der Nederlanden, Gerechtshof Amsterdam — Netherlands) — X Holding B.V. v Staatssecretaris van Financiën (Case C-538/08), Oracle Nederland BV v Inspecteur van de Belastingdienst Utrecht-Gooi (Case C-33/09)

(Joined Cases C-538/08 and C-33/09) (¹)

(Sixth VAT Directive — Right to deduct input tax — National legislation excluding certain categories of goods and services from the right to deduct — Option for Member States to retain rules excluding the right to deduct which were in existence when the Sixth VAT Directive entered into force — Amendment after that directive had entered into force)

(2010/C 148/11)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden, Gerechtshof Amsterdam