

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Third Chamber) of 13 October 2011 (references for a preliminary ruling from the Hof van beroep te Brussel (Belgium)) — Airfield NV, Canal Digitaal BV v Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (Sabam) (C-431/09), Airfield NV v Agicoa Belgium BVBA (C-432/09)

(Joined Cases C-431/09 and C-432/09) ⁽¹⁾

(Copyright — Satellite broadcasting — Directive 93/83/EEC — Articles 1(2)(a) and 2 — Communication to the public by satellite — Satellite package provider — Single communication to the public by satellite — Persons to whom that communication may be attributed — Authorisation from copyright holders for the communication)

(2011/C 355/03)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

Appellants: Airfield NV, Canal Digitaal BV (C-431/09), Airfield NV (C-432/09)

Respondents: Belgische Vereniging van Auteurs, Componisten en Uitgevers CVBA (Sabam) (C-431/09), Agicoa Belgium BVBA (C-432/09)

Re:

References for a preliminary ruling — Hof van beroep te Brussel — Interpretation of Article 1(2)(a) and (b) and Article 2 of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission (OJ 1993 L 248, p. 15) — Exclusive

right of the author to authorise communication of his works — Transmission by a broadcasting organisation of programme-carrying signals to a digital television supplier via an independent satellite — Subsequent retransmission of those signals — Authorisation of the copyright holders

Operative part of the judgment

Article 2 of Council Directive 93/83/EEC of 27 September 1993 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission must be interpreted as requiring a satellite package provider to obtain authorisation from the right holders concerned for its intervention in the direct or indirect transmission of television programmes, such as the transmission at issue in the main proceedings, unless the right holders have agreed with the broadcasting organisation concerned that the protected works will also be communicated to the public through that provider, on condition, in the latter situation, that the provider's intervention does not make those works accessible to a new public.

⁽¹⁾ OJ C 24, 30.1.2010.

Judgment of the Court (Third Chamber) of 13 October 2011 (reference for a preliminary ruling from the Cour d'appel de Paris (France)) — Pierre Fabre Dermo-Cosmétique SAS v Président de l'Autorité de la Concurrence, Ministre de l'Économie, de l'Industrie et de l'Emploi

(Case C-439/09) ⁽¹⁾

(Article 101(1) and (3) TFEU — Regulation (EC) No 2790/1999 — Articles 2 to 4 — Competition — Restrictive practice — Selective distribution network — Cosmetics and personal care products — General and absolute ban on internet sales — Ban imposed by the supplier on authorised distributors)

(2011/C 355/04)

Language of the case: French

Referring court

Cour d'appel de Paris