



## Reports of Cases

**Case C-387/12**

**Hi Hotel HCF SARL  
v  
Uwe Spoering**

(Request for a preliminary ruling from the Bundesgerichtshof)

(Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — International jurisdiction in matters relating to tort, delict or quasi-delict — Act committed in one Member State consisting in participation in an act of tort or delict committed in another Member State — Determination of the place where the harmful event occurred)

Summary — Judgment of the Court (Fourth Chamber), 3 April 2014

- 1. Questions referred for a preliminary ruling — Jurisdiction of the national court — Assessment of the necessity and relevance of the questions referred*  
*(Art. 267 TFEU)*
- 2. Questions referred for a preliminary ruling — Jurisdiction of the Court — Limits — Clearly irrelevant questions and hypothetical questions put in a context not permitting a useful answer — Questions bearing no relation to the subject matter of the case in the main proceedings*  
*(Art. 267 TFEU)*
- 3. Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Terms used in that regulation — Independent interpretation*  
*(Council Regulation No 44/2001)*
- 4. Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Special jurisdiction — Restrictive interpretation*  
*(Council Regulation No 44/2001, Art. 5(3))*
- 5. Judicial cooperation in civil matters — Jurisdiction and the enforcement of judgments in civil and commercial matters — Regulation No 44/2001 — Special jurisdiction — Jurisdiction in tort, delict or quasi-delict — Place where the damage occurs and place of the causal event — Alleged damage to rights of copyright protected in the Member State of the court seised — Several supposed perpetrators of damage acting in different Member States — Jurisdiction on the basis of the place*

*of the causal event against a supposed perpetrator of the damage who did not act within the jurisdiction of the court seised — Not permissible — Jurisdiction of the court seised on the basis of the place where the harmful event occurred — Lawfulness — Conditions*

*(Council Regulation No 44/2001, Art. 5(3))*

1. See the text of the decision.

(see para. 17)

2. See the text of the decision.

(see para. 18)

3. See the text of the decision.

(see para. 24)

4. See the text of the decision.

(see para. 26)

5. Article 5(3) of Regulation No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, where there are several supposed perpetrators of damage allegedly caused to rights of copyright protected in the Member State of the court seised, that provision does not allow jurisdiction to be established, on the basis of the causal event of the damage, of a court within whose jurisdiction the supposed perpetrator who is being sued did not act, but does allow the jurisdiction of that court to be established on the basis of the place where the alleged damage occurs, provided that the damage may occur within the jurisdiction of the court seised. If that is the case, the court has jurisdiction only to rule on the damage caused in the territory of the Member State to which it belongs.

The expression ‘place where the harmful event occurred or may occur’ in Article 5(3) of Regulation No 44/2001 is intended to cover both the place where the damage occurred and the place of the causal event giving rise to the damage, so that the defendant may be sued, at the option of the applicant, in the courts for either of those two places.

In circumstances in which one only of several supposed perpetrators of alleged damage is sued in a court within whose jurisdiction he has not acted, it cannot be considered that the causal event occurred within the jurisdiction of that court for the purposes of Article 5(3) of Regulation No 44/2001.

By contrast, jurisdiction to hear an action in tort, delict or quasi-delict may be established, on the basis of the occurrence of the damage, in favour of the court seised of a claim for a finding of a breach of copyright, where the Member State in which that court is situated protects the rights of copyright relied on by the applicant and the alleged damage may occur within the jurisdiction of the court seised.

However, in so far as the protection afforded by the Member State of the court seised applies only in that Member State, the court seised on the basis of the place where the damage occurs has jurisdiction only to determine the damage caused in the territory of that State.

(see paras 27, 31, 35, 38, 40, operative part)