

Parties to the main proceedings

Applicant: Hőszig Kft.

Defendant: Alstom Power Thermal Services,

Operative part of the judgment

Article 23(1) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a jurisdiction clause, such as that at issue in the main proceedings, which, first, is set out in the client's general terms and conditions, referred to in the instruments witnessing the contracts between those parties and forwarded upon their conclusion, and, secondly, designates as courts with jurisdiction those of a city of a Member State, meets the requirements of that provision relating to the consent of the parties and the precision of the content of such a clause.

⁽¹⁾ OJ C 245, 27.7.2015.

Judgment of the Court (Second Chamber) of 14 July 2016 (request for a preliminary ruling from the Rechtbank Den Haag — Netherlands) — Brite Strike Technologies Inc. v Brite Strike Technologies SA (Case C-230/15) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EC) No 44/2001 — Article 22(4) — Jurisdiction in intellectual property disputes — Article 71 — Conventions concluded by the Member States on particular matters — Benelux Convention on Intellectual Property — Jurisdiction in disputes concerning Benelux trade marks and designs — Article 350 TFEU)

(2016/C 335/28)

Language of the case: Dutch

Referring court

Rechtbank Den Haag

Parties to the main proceedings

Applicant: Brite Strike Technologies Inc.

Defendant: Brite Strike Technologies SA

Operative part of the judgment

Article 71 of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, read in the light of Article 350 TFEU, does not preclude the application to those disputes of the rule of jurisdiction for disputes relating to Benelux trademarks and designs, laid down in Article 4.6 of the Benelux Convention on Intellectual Property (Trade Marks and Designs) of 25 February 2005, signed in The Hague by the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

⁽¹⁾ OJ C 254, 3.8.2015.