

Judgment of the Court (Fifth Chamber) of 5 September 2019 (request for a preliminary ruling from the Court of Appeal — United Kingdom) — AMS Neve Ltd, Barnett Waddingham Trustees, Mark Crabtree v Heritage Audio SL, Pedro Rodríguez Arribas

(Case C-172/18) ⁽¹⁾

(Reference for a preliminary ruling — EU trade mark — Regulation (EC) No 207/2009 — Article 97(5) — Jurisdiction — Infringement proceedings — Jurisdiction of the courts of the Member State in which ‘the act of infringement has been committed’ — Advertising and offers for sale displayed on a website and on social media platforms)

(2019/C 383/23)

Language of the case: English

Referring court

Court of Appeal

Parties to the main proceedings

Applicants: AMS Neve Ltd, Barnett Waddingham Trustees, Mark Crabtree

Defendants: Heritage Audio SL, Pedro Rodríguez Arribas,

Operative part of the judgment

Article 97(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark must be interpreted as meaning that the proprietor of a European Union trade mark who considers that his rights have been infringed by the use without his consent, by a third party, of a sign identical to that mark in advertising and offers for sale displayed electronically in relation to products that are identical or similar to the goods for which that mark is registered, may bring an infringement action against that third party before a European Union trade mark court of the Member State within which the consumers or traders to whom that advertising and those offers for sale are directed are located, notwithstanding that that third party took decisions and steps in another Member State to bring about that electronic display.

⁽¹⁾ OJ C 190, 4.6.2018.

Judgment of the Court (Ninth Chamber) of 12 September 2019 (requests for a preliminary ruling from the Consiglio di Stato — Italy) — Pollo del Campo S.c.a., Avi Coop Società Cooperativa Agricola (C-199/18), C.A.F.A.R. — Società Agricola Cooperativa, Società Agricola Guidi di Roncofreddo di Guidi Giancarlo e Nicolini Fausta (C-200/18) v Regione Emilia-Romagna, Azienda Unità Sanitaria Locale 104 di Modena, A.U.S.L. Romagna (C-199/18 and C-200/18) and SAIGI Società Cooperativa Agricola a r.l., MA.GE.MA. Società Agricola Cooperativa v Regione Emilia-Romagna, A.U.S.L. Romagna (C-343/18)

(Joined Cases C-199/18, C-200/18 and C-343/18) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Regulation (EC) No 882/2004 — Article 27 — Official controls of feed and food — Financing — Fees or charges payable for official controls — Possibility for the Member States to exempt certain categories of operators — Minimum rates for fees)

(2019/C 383/24)

Language of the case: Italian

Referring court

Consiglio di Stato