Operative part of the judgment

1. Article 17(1) of Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that a natural person who, under a contract such as a financial contract for differences concluded with a finance company, carries out transactions through that company may be classified as a 'consumer' within the meaning of that provision if the conclusion of that contract does not fall within the scope of that person's professional activity, which it is for the national court to ascertain. For the purposes of that classification, first, factors such as the fact that that person carried out a high volume of transactions within a relatively short period or that he or she invested significant sums in those transactions are, as such, in principle irrelevant, and secondly, the fact that that same person is a 'retail client' within the meaning of Article 4(1) point 12 of Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments, amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC is, as such, in principle irrelevant;

2. Regulation No 1215/2012 must be interpreted as meaning that, for the purposes of determining the courts having jurisdiction, an action in tort brought by a consumer comes under Chapter II, Section 4, of that regulation if it is indissociably linked to a contract actually concluded between that consumer and the seller or supplier, which is a matter for the national court to verify.

(1) OJ C 381, 22.10.2018.

Judgment of the Court (First Chamber) of 19 March 2020 (request for a preliminary ruling from the Fővárosi Közigazgatási és Munkaügyi Bíróság — Hungary) — LH v Bevándorlási és Menekültügyi Hivatal

(Case C-564/18) (1)

(Reference for a preliminary ruling — Asylum policy — Common procedures for granting and withdrawing international protection — Directive 2013/32/EU — Application for international protection — Article 33(2) — Grounds of inadmissibility — National legislation under which an application is inadmissible if the applicant has arrived in the Member State concerned via a country in which he or she is not exposed to persecution or the risk of serious harm, or if that country provides sufficient protection — Article 46 — Right to an effective remedy — Judicial review of administrative decisions concerning the inadmissibility of applications for international protection — Time limit of eight days within which to give a decision — Article 47 of the Charter of Fundamental Rights of the European Union)

(2020/C 222/10)

Language of the case: Hungarian

Referring court

Fővárosi Közigazgatási és Munkaügyi Bíróság

Parties to the main proceedings

Applicant: LH

Defendant: Bevándorlási és Menekültügyi Hivatal

Operative part of the judgment

1. Article 33 of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection must be interpreted as precluding national legislation which allows an application for international protection to be rejected as inadmissible on the ground that the applicant arrived on the territory of the Member State concerned via a State in which that person was not exposed to persecution or a risk of serious harm, or in which a sufficient degree of protection is guaranteed;

2. Article 46(3) of Directive 2013/32, read in the light of Article 47 of the Charter of Fundamental Rights of the European Union, must be interpreted as precluding national legislation which sets a time limit of eight days within which a court hearing an appeal against a decision rejecting an application for international protection as inadmissible is to give a decision, where that court is unable to ensure, within such a time limit, that the substantive rules and procedural guarantees enjoyed by the applicant under EU law are effective.

([1]) OJ C 436, 3.12.2018.

Judgment of the Court (Fifth Chamber) of 2 April 2020 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Coty Germany GmbH v Amazon Services Europe Sàrl, Amazon FC Graben GmbH, Amazon Europe Core Sàrl, Amazon EU Sàrl

(Case C-567/18) ([1])

(Reference for a preliminary ruling — EU trade mark — Regulation (EC) No 207/2009 — Article 9 — Regulation (EU) 2017/1001 — Article 9 — Rights conferred by a trade mark — Use — Stocking of goods for the purposes of offering them or putting them on the market — Storage with a view to dispatching goods sold in an online marketplace which infringe trade mark rights)

(2020/C 222/11)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Coty Germany GmbH

Defendants: Amazon Services Europe Sàrl, Amazon FC Graben GmbH, Amazon Europe Core Sàrl, Amazon EU Sàrl

Operative part of the judgment

Article 9(2)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark and Article 9(3)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark must be interpreted as meaning that a person who, on behalf of a third party, stores goods which infringe trade mark rights, without being aware of that infringement, must be regarded as not stocking those goods in order to offer them or put them on the market for the purposes of those provisions, if that person does not itself pursue those aims.

([1]) OJ C 427, 26.11.2018.