

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Outsource Professional Services Ltd to bear its own costs and to pay those incurred by Flatworld Solutions Pvt Ltd in relation to the appeal proceedings;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs in relation to the appeal proceedings.

⁽¹⁾ OJ C 445, 10.12.2018.

Judgment of the Court (Sixth Chamber) of 7 November 2019 (request for a preliminary ruling from the Sofiyski rayonen sad — Bulgaria) — K.H.K. v B.A.C., E.E.K.

(Case C-555/18) ⁽¹⁾

(Reference for a preliminary ruling — Judicial cooperation in civil matters — Regulation (EU) No 655/2014 — European Account Preservation Order — Article 5(a) — Obtention procedure — Article 4(8) to (10) — Definition of ‘judgment’, ‘court settlement’ and ‘authentic instrument’ — National order for payment against which an objection may be lodged — Article 18(1) — Time limits — Article 45 — Exceptional circumstances — Definition)

(2020/C 10/20)

Language of the case: Bulgarian

Referring court

Sofiyski rayonen sad

Parties to the main proceedings

Applicant: K.H.K.

Debtors: B.A.C., E.E.K.

Operative part of the judgment

1. Article 4(10) of Regulation (EU) No 655/2014 of the European Parliament and of the Council of 15 May 2014 establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters must be interpreted as meaning that an order for payment, such as that at issue in the main proceedings, which is not enforceable, does not constitute an ‘authentic instrument’ within the meaning of that provision.
2. Article 5(a) of Regulation No 655/2014 must be interpreted as meaning that ongoing proceedings for an order for payment, such as those in the main proceedings, may be regarded as proceedings ‘on the substance of the matter’ within the meaning of that provision.
3. Article 45 of Regulation No 655/2014 must be interpreted as meaning that judicial vacations are not covered by the concept of ‘exceptional circumstances’ within the meaning of that provision.

⁽¹⁾ OJ C 427, 26.11.2018.