

Judgment of the Court (Sixth Chamber) of 25 June 2020 (request for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband eV v Deutsche Apotheker- und Ärztebank eG

(Case C-380/19) ⁽¹⁾

(Reference for a preliminary ruling — Consumer protection — Directive 2013/11/EU — Alternative dispute resolution — Article 13(1) and (2) — Mandatory information — Accessibility of information)

(2020/C 279/16)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicants: Bundesverband der Verbraucherzentralen und Verbraucherverbände — Verbraucherzentrale Bundesverband eV

Defendant: Deutsche Apotheker- und Ärztebank eG

Operative part of the judgment

Article 13(1) and (2) of Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on consumer alternative dispute resolution and repealing Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on ADR) are to be interpreted as meaning that a trader who provides in an accessible manner on his website the general terms and conditions of sales or service contracts, but concludes no contracts with consumers via that website, must provide in his general terms and conditions information about the ADR entity or ADR entities by which that trader is covered, when that trader commits to or is obliged to use that entity or those entities to resolve disputes with consumers. It is not sufficient in that respect that the trader either provides that information in other documents accessible on his website, or under other tabs thereof, or provides that information to the consumer in a separate document from the general terms and conditions, upon conclusion of the contract subject to those general terms and conditions.

⁽¹⁾ OJ C 288, 26.8.2019.

Judgment of the Court (Seventh Chamber) of 2 July 2020 (request for a preliminary ruling from the Verwaltungsgericht Wien — Austria) — IE v Magistrat der Stadt Wien

(Case C-477/19) ⁽¹⁾

(Reference for a preliminary ruling — Conservation of natural habitats and of wild fauna and flora — Directive 92/43/EEC — Article 12(1) — System of strict protection for animal species — Annex IV — Cricetus cricetus (European hamster) — Resting places and breeding sites — Deterioration or destruction — Areas which have been abandoned)

(2020/C 279/17)

Language of the case: German

Referring court

Verwaltungsgericht Wien

Parties to the main proceedings

Applicant: IE

Defendant: Magistrat der Stadt Wien

Operative part of the judgment

Article 12(1)(d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that the term ‘resting places’ referred to in that provision also includes resting places which are no longer occupied by one of the protected animal species listed in Annex IV(a) to that directive, such as the *Cricetus cricetus* (European hamster), where there is a sufficiently high probability that that species will return to such places, which is a matter for the referring court to determine.

⁽¹⁾ OJ C 328, 30.9.2019.

Judgment of the Court (Tenth Chamber) of 2 July 2020 (request for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — mk advokaten GbR v MBK Rechtsanwälte GbR

(Case C-684/19) ⁽¹⁾

(Reference for a preliminary ruling — Trade marks — Directive 2008/95/EC — Article 5(1) — Use in the course of trade of a sign that is identical with or similar to another person’s trade mark for goods or services that are identical with or similar to those for which that mark is registered — Scope of the term ‘using’ — Advertisement placed on a website by order of a person operating in the course of trade and subsequently reproduced on other websites)

(2020/C 279/18)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: mk advokaten GbR

Defendant: MBK Rechtsanwälte GbR

Operative part of the judgment

Article 5(1) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that a person operating in the course of trade that has arranged for an advertisement which infringes another person’s trade mark to be placed on a website is not using a sign which is identical with that trade mark where the operators of other websites reproduce that advertisement by placing it online, on their own initiative and in their own name, on other websites.

⁽¹⁾ OJ C 413, 9.12.2019.
