- 3. Is it relevant to the answers to Questions 1 and 2 that the third party undertakes those activities continuously and, with the aid of its search engine, carries out daily a total of 100 000 queries received from users in "translated" form and makes available the results thereof to various users in a manner such as that described above?
- 4. Is Article 7(5) of the Directive to be interpreted as meaning that the repeated *and* systematic re-utilisation of insubstantial parts of the contents of the database which conflicts with normal exploitation or unreasonably prejudices the legitimate interests of the maker of the database is not permissible, or is it sufficient for there to be repeated *or* systematic re-utilisation?
- 5. If repeated and systematic re-utilisation is a requirement,
 - (a) what does 'systematic' mean?
 - (b) Is re-utilisation systematic when an automated system is used?
 - (c) Is it relevant that a dedicated meta search engine is used in the manner described above?
- 6. Is Article 7(5) of the Directive to be interpreted as meaning that the prohibition for which it provides does not apply if a third party repeatedly makes available to individual users of a meta search engine belonging to that third party only insubstantial parts of the contents of the database in response to each query?
- 7. If so, does that also apply if the cumulative effect of the repeated re-utilisation of those insubstantial parts is that a substantial part of the contents of the database is made available to the individual users together?
- 8. Is Article 7(5) of the Directive to be interpreted as meaning that, if conduct which has not been approved and which is such that, as a result of the cumulative effect of re-utilisation, the whole or a substantial part of the contents of a protected database is made available to the public, the requirements of that provision are satisfied, or must it also be claimed and proved that those acts conflict with the normal exploitation of the database or unreasonably prejudice the legitimate interests of the maker of the database?
- 9. Is it assumed that the investment of the maker of the database is seriously prejudiced in the event of the aforementioned conduct?

Reference for a preliminary ruling from the Landgericht Saarbrücken (Germany), lodged on 10 May 2012 — Lokman Emrek v Vlado Sabranovic

(Case C-218/12)

(2012/C 243/04)

Language of the case: German

Referring court

Landgericht Saarbrücken

Parties to the main proceedings

Appellant: Lokman Emrek

Respondent: Vlado Sabranovic

Questions referred

- 1. In cases in which a trader's internet presence satisfies the 'directing' requirement, does Article 15(1)(c) of Regulation (EC) No 44/2001 (¹) require, as a further unwritten condition, that the consumer was induced to enter into the contract by the website operated by the trader and consequently that the internet presence must be a causal factor in regard to the conclusion of the contract?
- 2. In so far as a causal link between the 'directing' requirement and the conclusion of the contract is necessary: does Article 15(1)(c) of Regulation No 44/2001 also require that the contract was concluded as a distance contract?

Reference for a preliminary ruling from the Verwaltungsgerichtshof (Austria) lodged on 9 May 2012 — Finanzamt Freistadt Rohrbach Urfahr v Unabhängiger Fianzsenat Außenstelle Linz

(Case C-219/12)

(2012/C 243/05)

Language of the case: German

Referring court

Verwaltungsgerichtshof

Parties to the main proceedings

Applicant: Finanzamt Freistadt Rohrbach Urfahr

Defendant: Unabhängiger Fianzsenat Außenstelle Linz

Interested party: Thomas Fuchs

Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases, OJ 1996 L 77, p. 20.

⁽¹) Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1).