

3. Is Article 56 TFEU (formerly Article 49 [of the EC Treaty]) compatible with Real Decreto 1373/2003 of 7 November 2003, the regulation on the tariff applying to *procuradores*?
4. Do those rules meet the requirements of necessity and proportionality referred to in Article 15(3) of Directive 2006/123/EC? <sup>(1)</sup>
5. Does Article 6 of the European Convention on Human Rights, entrenching the right to a fair trial, encompass the right to be able to mount a proper defence in a situation where the figure at which the fees of a *procurador* are set is disproportionately high and does not reflect the work actually carried out?
6. If so, is the Spanish *Ley de Enjuiciamiento Civil* compatible with Article 6 of the European Convention on Human Rights in so far as it prevents the party ordered to pay costs from challenging the fees claimed by the *procurador* on the grounds that they are excessively high and do not reflect the work actually carried out?

<sup>(1)</sup> Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

**Request for a preliminary ruling from the Högsta domstolen (Sweden) lodged on 22 May 2013 — C More Entertainment AB v Linus Sandberg**

(Case C-279/13)

(2013/C 207/55)

*Language of the case: Swedish*

**Referring court**

Högsta domstolen

**Parties to the main proceedings**

*Applicant:* C More Entertainment AB

*Defendant:* Linus Sandberg

**Questions referred**

1. Does the expression communication to the public, within the meaning of Article 3(1) <sup>(1)</sup> of the Information Society Directive, include measures to make available on a website open to the public a clickable link to a work which is broadcast by the holder of the copyright in that work?
2. Is the manner in which the linking is done relevant to the answer to question 1?

3. Is it relevant if the access to the work to which the linking is done is in any way restricted?
4. May the Member States give wider protection to the exclusive right of rightholders by enabling 'communication to the public' to cover a greater range of acts than provided for in Article 3(1) of the Information Society Directive?
5. May the Member States give wider protection to the exclusive right of authors by enabling 'communication to the public' to cover a greater range of acts than provided for in Article 3(1) of the Information Society Directive?

<sup>(1)</sup> Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ 2001 L 167, p. 10).

**Request for a preliminary ruling from the Eparkhiako Dikastirio Lefkosias (Cyprus) lodged on 27 May 2013 — Sotiris Papasavvas v O Phileleftheros Dimosia Etairia Ltd, Takis Kounnafi, Giorgos Sertis**

(Case C-291/13)

(2013/C 207/56)

*Language of the case: Greek*

**Referring court**

Eparkhiako Dikastirio Lefkosias

**Parties to the main proceedings**

*Claimant:* Sotiris Papasavvas

*Defendants:* O Phileleftheros Dimosia Etairia Ltd, Takis Kounnafi, Giorgos Sertis

**Questions referred**

1. Bearing in mind that the laws of the Member States on defamation affect the capacity to provide information services by electronic means both at national level and within the European Union, might those laws be regarded as restrictions on the provision of information services for the purposes of applying Directive 2000/31/EC?
2. If the answer to Question 1 is in the affirmative, do the provisions of Articles 12, 13 and 14 of Directive 2000/31/EC, on the question of liability, apply to private civil matters, such as civil liability for defamation, or are they limited to civil liability in matters concerning business to consumer transactions?