

## Legal Alert

**8/2016**

### **THE EUROPEAN COURT OF JUSTICE SUPPORTED TRADE MARK OWNERS IN FIGHT AGAINST COUNTERFEITS ON MARKET PLACES**

On 7 July 2016 the European Court of Justice gave a breaking preliminary ruling in the matter C-494/15 on request of the Supreme Court of the Czech Republic on interpretation of article 11 of the Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. In this case, in which our attorney office represented famous fashion producers – owners of brands such as Tommy Hilfiger, Lacoste and Burberry, the European Court came to the conclusion that, as an intermediary whose services are used by third person to infringe intellectual property rights can be also considered a **market place operator** who provides selling places on his market place to individual vendors selling counterfeits.

Trademark owners can claim judicial protection directly against market place operators and they can do so even in the case if market place operators are not infringing intellectual property rights by themselves. This breaking ruling could simplify the position of brand owners, as until now the claims against individual vendors were needed.

**Contacts:**

In case of any questions, please do not hesitate to contact your person-in-charge in our office or to contact directly our experts Ludmila Neustupná ([ludmila.neustupna@bapol.cz](mailto:ludmila.neustupna@bapol.cz)) or David Lejček ([david.lejcek@bapol.cz](mailto:david.lejcek@bapol.cz)).

Balcar, Polanský & Spol. s.r.o.,  
advokátní kancelář  
Revoluční 15  
110 00 Praha 1

Phone: +420 251 009 111  
Fax: +420 251 009 112  
E-mail: [office@bapol.cz](mailto:office@bapol.cz)  
[www.balcarpolansky.cz](http://www.balcarpolansky.cz)