European Union

“Pie Optiek”

**Commission Regulation (EC) No. 874/2004 of 28 April 2004
Laying Down Public Policy Rules Concerning the Implementation
and Functions of the .eu Top Level Domain and the Principles
Governing Registration, Art. 12(2) – *Pie Optiek SPRL v. Bureau
Gevers SA and European Registry for Internet Domains ASBL***

**Decision of the European Court of Justice (Second Chamber)
19 July 2012 – Case No. C-376/11**

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The third subparagraph of Article 12(2) of Commission Regulation (EC) No. 874/2004 of 28 April 2004 laying down public policy rules concerning the implementation and functions of the .eu Top Level Domain and the principles governing registration must be interpreted as meaning that, in a situation where the prior right concerned is a trade mark right, the words “licensees of prior rights” do not refer to a person who has been authorised by the proprietor of the trade mark concerned solely to register, in his own name but on behalf of that proprietor, a domain name identical or similar to that trade mark, but without that person being authorised to use the trade mark commercially in a manner consistent with its functions.

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