European Union

“BEST NV”

Council Directive 84/450/EEC of 10 September 1984 Relating to the Approximation of the Laws, Regulations and Administrative Provisions of the Member States Concerning Misleading Advertising, Art. 2(1); Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 Concerning Misleading and Comparative Advertising, Art. 2(a) – *Belgian Electronic Sorting Technology NV v. Bert Peelaers and Visys NV*

**Decision of the European Court of Justice (Third Chamber)
11 July 2013 – Case No. C-657/11**

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1. Article 2(1) of Council Directive 84/450/EEC of 10 September 1984 concerning misleading and comparative advertising, as amended by Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 and Article 2(a) of Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising, must be interpreted as meaning that the term “advertising”, as defined by those provisions, covers, in a situation as such as that at issue in the main proceedings, the use of a domain name and that of metatags in a website’s metadata. By contrast, the registration of a domain name, as such, is not encompassed by that term.

Official headnotes.

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