European Union

“TOP Logistics and others”

**Decision of the European Court of Justice (Third Chamber)
16 July 2015 – Case No. C-379/14**

*TOP Logistics BV, Van Caem International BV v.
Bacardi & Company Ltd, Bacardi International Ltd, and
Bacardi & Company Ltd, Bacardi International Ltd v.
TOP Logistics BV, Van Caem International BV*

Directive 89/104/EEC, Art. 5

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Keywords Using in the course of trade · Duty suspension agreement · Free circulation of goods · Consent of trade mark proprietor

1. Article 5 of the First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that the proprietor of a trade mark registered in one or more Member States may oppose a third party placing goods bearing that trade mark under the duty suspension arrangement after they have been introduced into the EEA and released for free circulation without the consent of that proprietor.