European Union

“Liffers”

Decision of the European Court of Justice (Fifth Chamber) 17 March 2016 – Case No. C-99/15

*Christian Liffers v. Producciones Mandarina SL and
Mediaset España Comunicación SA*

Directive 2004/48/EC, Art. 13(1)

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Keywords Audiovisual work · Infringement · Damages · Lump sum · Moral prejudice · Calculation of compensation

1. Article 13(1) of Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights must be interpreted as permitting a party injured by an intellectual property infringement, who claims compensation for his material damage as calculated, in accordance with heading (b) of the second subparagraph of Article 13(1) of that directive, on the basis of the amount of royalties or fees which would have been due to him if the infringer had requested his authorisation to use that right, also to claim compensation for the moral prejudice that he has suffered, as provided for under heading (a) of the second subparagraph of Article 13(1) of that directive.

For more on this issue *see* the opinion by Marc Simon Altaba “Take It or Leave It – The Unclear Situation of Moral Damage Claims in Spanish Intellectual Property Law”, 47 IIC 178–188 (2016), doi:10.1007/s40319-016-0445-1.

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