European Union

“Stowarzyszenie ‘Oławska Telewizja Kablowa’”

Decision of the European Court of Justice (Fifth Chamber)

25 January 2017 – Case No. C-367/15

*Stowarzyszenie ‘Oławska Telewizja Kablowa’ v.
Stowarzyszenie Filmowców Polskich*

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

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Article 13 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 not precluding national legislation, such as that at issue in the main proceedings, under which the holder of an intellectual property right that has been infringed may demand from the person who has infringed that right either compensation for the damage that he has suffered, taking account of all the appropriate aspects of the particular case, or, without him having to prove the actual loss, payment of a sum corresponding to twice the appropriate fee which would have been due if permission had been given for the work concerned to be used.