

European Union

“Martin y Paz Diffusion SA v. Depuydt”

First Council Directive 89/104/EEC of 21 December 1988 to Approximate the Laws of the Member States Relating to Trade Marks, Art. 5 – *Martin y Paz Diffusion SA v. David Depuydt, Fabriek van Maroquinerie Gauquie NV*

**Decision of the European Court of Justice (Third Chamber)
19 September 2013 – Case No. C-661/11**

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1. Article 5 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks, as amended by the Agreement on the European Economic Area of 2 May 1992, precludes a proprietor of trade marks which, in a situation where there has been use shared with a third party, had consented to the use by that third party of signs which are identical to its marks in respect of certain goods in classes for which those marks are registered and which no longer consents to that use, from being deprived of any possibility of asserting the exclusive right conferred upon it by those marks against that third party and of itself exercising that exclusive right in respect of goods which are identical to those of that third party.