European Union

“Levola Hengelo”

Decision of the European Court of Justice (Grand Chamber)
13 November 2018 – Case No. C-310/17

Levola Hengelo BV v. Smilde Foods BV

Directive 2001/29/EC, Art. 2

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Keywords Cheese · Concept of “work” · Reproduction · Taste of a food product · Copyrightability of taste · Precise and objective identification

1. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society must be interpreted as precluding (i) the taste of a food product from being protected by copyright under that directive and (ii) national legislation from being interpreted in such a way that it grants copyright protection to such a taste.

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