European Union

“Syed”

**Decision of the European Court of Justice (Fourth Chamber)
19 December 2018 – Case No. C-572/17**

Riksåklagaren v. Imran Syed

Directive 2001/29/EC, Art. 4(1)

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Keywords Infringement · Storage for commercial purposes · Distribution right · Copyrighted motif on goods intended for sale · Storage facility separate from place of sale · Identical goods

1. Article 4(1) of 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 meaning that the storage by a retailer of goods bearing a motif protected by copyright on the territory of the Member State where the goods are stored may constitute an infringement of the exclusive distribution right, as defined by that provision, when that retailer offers for sale, without the authorisation of the copyright holder, goods identical to those which he is storing, provided that the stored goods are actually intended for sale on the territory of the Member State in which that motif is protected. The distance between the place of storage and the place of sale cannot, on its own, be a decisive element in determining whether the stored goods are intended for sale on the territory of that Member State.

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