European Union

“AMS Neve and Others”

**Decision of the European Court of Justice (Fifth Chamber) 5
September 2019 – Case No. C-172/18 (ECLI:EU:C:2019:674)**

*AMS Neve Ltd, Barnett Waddingham Trustees, and
Mark Crabtree v. Heritage Audio SL and Pedro
Rodríguez Arribas*

Regulation (EC) No 207/2009, Art. 97(5)

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Keywords Jurisdiction · Enforcement · Infringement proceedings · Jurisdiction of the courts of the Member State in which “the act of infringement has been committed” · Advertising and offers for sale displayed on a website and on social media platforms

Article 97(5) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark must be interpreted as meaning that the proprietor of a European Union trade mark who considers that his rights have been infringed by the use without his consent, by a third party, of a sign identical to that mark in advertising and offers for sale displayed electronically in relation to products that are identical or similar to the goods for which that mark is registered, may bring an infringement action against that third party before a European Union trade mark court of the Member State within which the consumers or traders to whom that advertising and those offers for sale are directed are located, notwithstanding that that third party took decisions and steps in another Member State to bring about that electronic display.

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