

European Union

“mk advokaten”

**Decision of the European Court of Justice (Tenth Chamber)
2 July 2020 – Case No. C-684/19 (ECLI:EU:C:2020:519)**

mk advokaten GbR v. MBK Rechtsanwälte GbR

Directive 2008/95/EC, Art. 5(1)

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Keywords Use in the course of trade of a sign that is identical with or similar to another person’s trade mark · Scope of the term “using” · Advertisement placed on a website by order of a person operating in the course of trade and subsequently reproduced on other websites · Liability

Article 5(1) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks must be interpreted as meaning that a person operating in the course of trade that has arranged for an advertisement which infringes another person’s trade mark to be placed on a website is not using a sign which is identical with that trade mark where the operators of other websites reproduce that advertisement by placing it online, on their own initiative and in their own name, on other websites.