

CONTENTS

International Private and Procedural Law

<i>Eva-Maria Kieninger / Harry C. Sigman</i> , The Rome-I Proposed Regulation and the Assignment of Receivables	1
<i>Veronica Magnier</i> , Will the distinction between common law and civil law be pertinent in the future?	10
<i>Anthony Chamboredon</i> , The Codification model as a methodological attempt for the integration of the European private law	15
ECJ 16 March 2006 – <i>Kapferer</i> – Article 10 EC; Brussels I Regulation Article 15 – Jurisdiction over consumer contracts – Prize notification – Legal certainty	19
ECJ 16 February 2006 – <i>Verdoliva</i> – Article 36 Brussels Convention – Failure of service	21
ECJ 9 February 2006 – <i>Plumex</i> – Regulation No 1348/2000 – Articles 4 to 11 and 14 – Service of judicial documents – Service through agencies – Service by post	23
ECJ 17 January 2006 – <i>Staubitz-Schreiber</i> – Regulation No 1346/2000 – Article 3(1)	25
BGH (DE) 1 December 2005 – Brussels Convention Article 5(1) – EGBGB Article 34 – BGB Paras 269, 661a – Promise of a prize – Jurisdiction over consumers contracts	26
BGH (DE) 24 October 2005 – Brussels I Regulation Article 5(3); BGB Para. 1004(1) sentence 2 – Jurisdiction in matters relating to tort, delict or quasi delict	27
OLG Celle (DE) 27 February 2006 – Article 34(1) and (2), Article 45(2) Brussels I Regulation – Grounds for refusal of recognition – Public policy	28
OLG Koblenz (DE) 29 September 2005 – Article 15 Brussels I Regulation – Special jurisdiction – Jurisdiction over consumer contracts – No domicile of contractual partner	30
OGH (AT) 20 February 2006 – Brussels I Regulation Article 5(1)(b) – Place of delivery	31
OGH (AT) 25 January 2006 – Hague Convention on the protection of minors Articles 1, 4 – Jurisdiction – Authorities of the State of the habitual residence	32
Cour de cassation (FR) 14 December 2005 – Brussels II Regulation Article 2	34
Tribunal de grande instance de Périgueux (FR) 12. 10. 2005 – Brussels I Regulation Article 5(1)(b) – Sale of goods – Place of delivery	35
Tribunale di Padova (IT) 10 January 2006 – Brussels I Regulation Article 5(1)(b)	36
High Court (UK) 9 March 2006 – <i>Tavoulareas</i> – Brussels I Regulation Article 34(2) – EC Service Regulation 1348/2000 – Conditions for non-recognition – Service of proceedings	37
High Court (UK) 27 January 2006 – <i>Antec</i> – Article 23 Brussels I Regulation – Distribution agreement – Prorogation of jurisdiction – Forum non conveniens	38
Recent national case law	40

International and European Commercial and Company Law

ECJ 13 December 2005 – <i>Marks & Spencer</i> – Articles 43 EC and 48 EC – Corporation tax – Deduction of losses incurred in another Member State by a non-resident subsidiary	40
Recent national case law	43

International and European Business and Competition Law

ECJ 16 March 2006 – <i>Poseidon Chartering</i> – Directive 86/653 Articles 1(2), 7(1) and 17 – Self-employed commercial agents – Conclusion and extensions of a single contract	43
ECJ 9 March 2006 – <i>Matratzen Concord</i> – Articles 28 EC and 30 EC – Article 3(1)(b) and (c) of Directive 89/104 – National word mark registered in a Member State	45
Recent national case law	47

European Intellectual Property Law

ECJ 23 February 2006 – <i>Siemens</i> – Article 3a(1)(g) Directive 84/450 – Comparative advertising – Taking unfair advantage of the reputation of a distinguishing mark of a competitor	47
Court of Appeal (UK) 11 April 2006 – <i>Sportswear SpA</i> – EC Treaty Articles 28 and 81 – Trade Marks Directive 89/104 – Enforcement of trade mark rights	49

The European Legal Profession

ECJ 30 March 2006 – <i>Servizi Ausiliari Dottori Commercialisti</i> – EC Treaty Articles 4, 10, 82, 86 and 98, Articles 43, 48 and 49, and Article 87 – Tax Advice Centres	52
BGH (DE) 26 January 2006 – EC Treaty Article 49, 50 – Performance of tax consulting services – EU-national without permit to practice as tax accountant in Germany	55

Information on Current Issues

<i>Olaf Beller / Anselm Lenhard</i> , Cross Border Security for Credit – Recognition and Efficacy. Report on the Conference at the Academy of European Law in Treves, Germany	57
---	----

New Publications Table of Abbreviations Conference Calendar Masthead

60
II
III
IV