

**CONTENTS****International and European  
Commercial and Company Law**


---

*Dr. Jörg -Marcus Leisle*, Cross-Border Mergers in the Internal Market:  
Codification of what has already become legal reality 153

ECJ 17 June 2004 – *Recheio -Cash & Carry SA* – Directive 69/335 Articles 10(c) and 12(1)(e) –  
Recovery of sums paid though not due – Period of 90 days for the bringing of an action 159

**International and European  
Business and Competition Law**


---

*Spiros Makris, LL.M.*, Implementation of the Directive on Electronic Commerce into  
Greek Law and Consumers Protection in the Area of Electronic Commerce –  
Comparison with German Law 161

ECJ 29 April 2004 – *IMS Health GmbH & Co. OHG v NDC Health GmbH & Co. KG* –  
Article 82 EC – Abuse of a dominant position – Refusal to grant a licence 168

ECJ 18 March 2004 – *Ludwig Leichte v Bundesanstalt für Arbeit* – Articles 49 EC and  
50 EC – Freedom to provide services – Sickness insurance scheme for civil servants 171

BGH (D) 30 March 2004 – KZR 24/02 – Article 81 EC; Regulation (EC) 1475/95  
Article 6(1) – inapplicability of the exemption 175

**European Intellectual Property Law**


---

ECJ 24 June 2004 – *Heidelberger Bauchemie GmbH* – Directive 89/104 – Trade marks –  
Combinations of colours – Colours blue and yellow for certain products 176

ECJ 29 April 2004 – *Henkel KGaA* – Regulation No 40/94 Article 7(1)(b) – Community  
trade mark – Three-dimensional tablets for products for washing machines or dishwasher 179

ECJ 12 February 2004 – *Henkel KGaA* – First Directive 89/104 Article 3(1)(b), (c) and (e) –  
Community trade mark – Three-dimensional trade marks consisting of the packaging  
of goods 183

**International and European  
Procedural Law**


---

*Felix Blobel, LL.M.*, European Tort Jurisdiction and Pure Economic Loss –  
Comment on the ECJ decision of 10 June 2004, *Kronhofer/Maier et al* 187

ECJ 10 June 2004 – *Rudolf Kronhofer v Marianne Maier et al* – Brussels Convention  
Article 5(3) – Jurisdiction in matters relating to tort, delict or quasi-delict – Financial loss 191

OGH (A) 25 March 2004 – 3 Ob 20/04v – Brussels I Regulation Articles 44, 45 and 46 –  
Appeal against dismissal of application for stay of proceedings for the issue of a declaration  
of enforceability 193

Cass. civ. sez. (I) 7 May 2003 – n. 6899 – *Corkran v Casa Napoleone Ltd. e altro* – Brussels  
Convention Article 5(1) – Fictitious transaction – Action to set aside a legal transaction 194

Cass. civ. sez. I (I) 19 September 2000 – n. 12398 – Brussels Convention Article 6(2) –  
Third party defendant – Applicability where there is a resale of defective goods 196

Cass. civ. sez. I (I) 7 August 2001, n. 10891 – Brussels Convention Article 6(2) –  
Third party defendant – Not applicable in the case of an action on a guarantee 197

OLG München (D) 7 June 2004 – 25 W 2814/03 – Brussels I Regulation Article (71)(2)(b),  
Hague Convention No. 23 Article 23 – Recognition and enforcement of maintenance  
decisions – Competition between Brussels I Regulation and the Hague Convention No. 23 –  
Applicant's choice of law 198

**International and European  
Labour and Social Security Law**


---

*Dr. Bernd Waas*, The Obligation to Disclose Information –  
A central management's duty where a European Works Council is established 199

ECJ 8 June 2004 – *Österreichischer Gewerkschaftsbund, Gewerkschaft der Privatange-  
stellten v Wirtschaftskammer Österreich* – Article 141 EC and Directive 75/117 Article 1 –  
Principle of equal pay for men and women 204

ECJ 28 April 2004 – *Sakir Öztürk v Pensionsversicherungsanstalt der Arbeiter* – EEC Asso-  
ciation Agreement Article 9– Decision No 3/80 Article 3– Regulation (EEC) No 1408/71  
Article 45(1) – Principle of equal treatment – Social security for migrant workers 207

**Information on Current Issues**


---

Improved free movement for EU citizens within the territory of the Member States 210

**Book Reviews / New Publications**

Table of Abbreviations II  
Conference Calendar III  
Masthead IV