

CONTENTS

Law of the European Organisations

Dr. Ariane Wiedmann, MJur (Oxon), Non-retroactive or prospective ruling by the Court of Justice of the European Communities in preliminary rulings according to Article 234 EC 197

International and European Commercial and Company Law

ECJ 23 November 2006 – *Lidl Italia Srl v Comune di Arcole (VR)* – Directive 2000/13 203
ECJ 28 September 2006 – *Jan-E. Anders Ahokainen and Mati Leppik* – Articles 28, 30 EC 207

International and European Business and Competition Law

ECJ 14 December 2006 – *Denkavit International BV, Denkavit France SARL v Ministre de l'Économie, des Finances et de l'Industrie* – Article 43 EC 210
ECJ 23 November 2006 – *Asnef-Equifax, Servicios de Información sobre Solvencia y Crédito, SL v Asociación de Usuarios de Servicios Bancarios (Ausbanc)* – Article 81 EC 214

European Intellectual Property Law

ECJ 14 December 2006 – *Nokia Corp. v Joacim Wärdell* – Regulation No 40/941 220
ECJ 9 November 2006 – *Montex Holdings v Diesel SpA* – Directive 89/1041 224
BGH (DE) 5 October 2006 – Regulation 2001/29 Article 4(1) – Copyright 227
OLG Hamburg (DE) 3 March 2006 – German Trade Mark Act § 14(2)(2), § 14(5) 227

International and European Procedural Law and Private International Law

Gaia Mongiò Erdelbrock, The concept of place of delivery according to Article 5(1)(b) of the Regulation “Brussels I” in the case of distance selling 228
Tribunale di Rovereto (IT) 24 August 2006 – Brussels I Regulation Articles 5(1)(b), 23 230
Corte di Cassazione (IT) 27 September 2006 – Brussels I Regulation Articles 5(1)(b), 23 230
Supreme Court of Judicature Court of Appeal (UK) 20 December 2006 – *Scottish & Newcastle International Ltd v Othon Ghalanos Ltd* – Brussels I Regulation Article 5(1)(b) 230
ECJ 14 December 2006 – *ASML Netherlands BV* – Brussels I Regulation Article 34(2) 237
Cour de cassation (FR) 7 November 2006 – Brussels I Regulation Articles 6(1) and 18(1) 241
BGH (DE) 26 September 2006 – Brussels I Regulation Articles 11(2) and 9(1)(b) 241
OGH (AT) 11 August 2006 – Brussels I Regulation Article 6(1) 242
OGH (AT) 4 May 2006 – Lugano Convention Article 5(1) – Concept of “worker” 243
OGH (AT) 26 April 2006 – Enforcement of Foreign Arbitral Awards – Translation 243
OGH (AT) 17 February 2006 – CMR Article 31(2) – Negative declaratory action 243
Cour d’appel de Versailles (FR) 20 June 2006 – Parental authority 244
OGH (AT) 12 July 2006 – Rome Convention Article 6(1) – Mandatory national rules 245
BGH (DE) 29 June 2006 – EGBGB (DE) Article 32(1) no. 3, (2) – Applicable law 246
OGH (AT) 27 April 2006 – IPRG (AT) §1 – Regulation on Insolvency Proceedings 246
AG Köln (DE) 10 August 2005 – Regulation on Insolvency Proceedings Article 3(1) 247
OGH (AT) 12 September 2006 – CISG Article 42 – Third party rights – Sphere of risk 247

European Consumer Law

ECJ 26 October 2006 – *Mostaza Claro* – Directive 93/13 – Unfair terms 248
BGH (DE) 16 August 2006 – Council Directive 1999/44/EC Article 3; BGB (DE) §439 250
OLG Stuttgart (DE) 2 October 2006 – Council Directive 85/577/EEC 250

International and European Labour and Social Security Law

ECJ 9 November 2006 – *Monique Chateignier v Office national de l’emploi (ONEM)* – Article 39 EC; Regulation 1408/71 Articles 3 and 67 – Unemployment benefit 251
ECJ 9 November 2006 – *Fabien Nemec v Caisse régionale d’assurance maladie du Nord-Est* – Article 42 EC – Regulation 1408/711 Article 58 – Migrant workers 253
ECJ 3 October 2006 – *B.F. Cadman v Health & Safety Executive* – Article 141 EC 256

International and European Tax Law

ECJ 23 November 2006 – *Staatssecretaris van Financiën v B.F. Joustra* – Directive 92/12 259
ECJ 9 November 2006 – *Pirkko Marjatta Turpeinen* – Articles 18 EC and 39 EC 264

The European Legal Profession

ECJ 5 December 2006 – *Federico Cipolla v Rosaria Fazari* – Articles 10, 49, 81 and 82 EC 267

New Publications

Information on Current Issues

Table of Abbreviations

Conference Calendar

Masthead

271

272

II

III

IV