

CONTENTS

International and European Business and Competition Law

Nicolas Sonder, The new EU-Competence on Foreign Direct Investment and the Impact on Mechanisms of Foreign Trade Regulation in the Member States 61

Private International Law and International Civil Procedure

ECJ 20 May 2010 – C-111/09 – *Česká podnikatelská pojišťovna as, Vienna Insurance Group v Michal Bilas* – Brussels I Regulation Article 24 – Jurisdiction not contested and defence as to substance – Entering an appearance conferring jurisdiction 64

ECJ 4 May 2010 – C-533/08 – *TNT Express Nederland BV v AXA Versicherung AG* – Brussels I Regulation Article 71, CMR Article 31(2), (3) – Conventions – Particular matters 66

BGH (DE) 11 March 2010 – Brussels I Regulation Article 38(1) – Overruling or staying enforceability of a judgment in the Member State of origin 70

Tribunal Supremo (ES) 4 March 2010 – Brussels Convention Articles 21, 22 – Lis pendens 71

BGH (DE) 21 January 2010 – Brussels I Regulation Articles 34(2), 46(1) – Service of the judgment to be enforced only at the time of an application for a declaration of enforceability 71

Court of Appeal (Civ. Div.) England and Wales (UK) 12 November 2009 – Brussels I Regulation Article 11 – Matters relating to insurance – Joinder of proceedings – Applicable law 71

BGH (DE) 10 November 2009 – Brussels I Regulation Article 5(3); E-Commerce Directive Article 3 (1), (2) – Infringement of the right to protection of personality – Internet website 75

OGH (AT) 5 August 2009 – Brussels I Regulation Article 27(1) – Identity of cause of action 76

OGH (AT) 23 June 2009 – Lugano Convention Article 27(2) – Correctly effected service – Applicable law – Unknown residence of the defendant 77

Lietuvos Aukščiausiasis Teismas (LT) 30 April 2008, 25 August 2008 – Brussels IIbis Regulation Articles 21, 23, 24, 31, 40 – Decision of non-return of a child – Certificate 77

BGH (DE) 24 March 2010 – Hague Maintenance Convention 1973 Articles 5, 12 – Res judicata of a divorce judgment – Restriction on the period of enforceability – Public policy 80

Cour d’appel d’Orléans (FR) 8 October 2009 – EC Regulation 1346/2000 Articles 40, 42(2) – Insolvency proceedings – Declaration of the monetary claim 80

International and European Intellectual Property Law

ECJ 3 June 2010 – C-127/09 – *Coty Prestige Lancaster Group GmbH v Simex Trading AG* – Regulation (EC) No 40/94 Article 13(1); First Directive 89/104/EEC Article 7(1) – Exhaustion of the trade mark proprietor’s rights – ‘Goods put on the market’ 81

ECJ 15 April 2010 – C-518/08 – *Fundación Gala-Salvador Dalí, VEGAP v ADAGP & others* – Directive 2001/84/EC Articles 6(1), 8(2), (3) – Resale right for the benefit of the author – Persons entitled to receive royalties after the death of the author 84

ECJ 23 March 2010 – *Google France SARL; Google Inc. v Louis Vuitton Malletier SA (C-236/08); Google France SARL v Viaticum SA, Luteciel SARL (C-237/08); and Google France SARL v CNRRH SARL and others (C-238/08)* – First Directive 89/104/EEC Article 5(1), (2); Regulation (EC) No 40/94 Article 9(1); E-commerce Directive Article 14 – Internet – Search engine – Keyword advertising 87

European Consumer Law

ECJ 3 June 2010 – C-484/08 – *Caja de Ahorros y Monte de Piedad de Madrid v Ausbanc* – Directive 93/13/EEC Articles 4(2), 8 – Consumer contracts 97

Law of the European Organisations

ECJ 3 June 2010 – C-258/08 – *Ladbroke’s v Stichting de Nationale Sporttotalisator* – EC Article 49 – Restrictions on the freedom to provide services – Games of chance – Offer of games of chance via the internet 99

ECJ 3 June 2010 – C-203/08 – *Sporting Exchange Ltd (‘Betfair’) v Minister van Justitie* – EC Article 49 – Games of chance – Offer of games of chance via the internet 104

ECJ 1 June 2010 – *José Manuel Blanco Pérez and other v Consejería de Salud y Servicios Sanitarios (C-570/07), Principado de Asturias (C-571/07)* – TFEU Article 49 – Directive 2005/36/EC Article 45(2)(e) and (g) – Freedom of establishment – Public health – Pharmacies – Proximity – Operating licence 109

OGH (AT) 25 March 2010 – TFEU Article 18 – Glücksspielgesetz § 25(3) – Free movement of services and freedom of establishment – Gambling monopoly 114

Information on Current Issues

Commission Regulation (EU) No 416/2010 of 12 May 2010 amending Annexes I, II and III of the Brussels I Regulation 114

Implementing Regulation No 210/2010 of 25 February 2010 amending and codifying Annexes A, B and C to the Insolvency Regulation 116

New Publications

Table of Abbreviations
Conference Calendar
Masthead

120
II
III
IV