



Possibility of the company to sue in the country where the infringements of its Brand arise

The past 5th of September of 2019 the Superior Court of Justice of the European Union clarified which is the territorial extent established in the article 97(5) of Council Regulation (EC) No 207/2009 of 26th February 2009.

The Court's conclusion is that the proprietor of a European Union trade mark who considers that his right has been infringed by the use without his consent, may bring an infringement action to the Court located in the territory in which the violation of the right has taken place, despite the fact that the Court is located in a different country to where it is commercialized.

Consequently, regardless of which marketing decision of the product has been taken in another member state, the judicial procedure may be instituted in that country where such marketing has taken effect.

This statement is especially important for the online sales in which the product's advertisement reaches any of the European countries. In these cases, the company that realizes that his brand is violated can sue in the country in which the consumers are located, even if it's a different country from where the product is distributed.

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62018CJ0172&qid=1569166218608&from=EN>



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