

# **Cour de cassation refers preliminary question regarding Art. 5(3) Brussels I to the ECJ**

It has not been mentioned on this blog that the French Cour de cassation has submitted a request for a preliminary ruling to the ECJ regarding Article 5(3) Brussels I Regulation (Concurrence Sàrl v Samsung Electronics France SAS, Amazon Services Europe Sàrl - Case C-618/15) on 23 November 2015. The question relates to the interpretation of the phrase »the place where the harmful event occurred or may occur« and reads as follows:

*»Is Article 5(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters to be interpreted as meaning that, in the event of an alleged breach of a prohibition on resale outside a selective distribution network and via a marketplace by means of online offers for sale on a number of websites operated in various Member States, an authorised distributor which considers that it has been adversely affected has the right to bring an action seeking an injunction prohibiting the resulting unlawful interference in the courts of the territory in which the online content is or was accessible, or must some other clear connecting factor be present?« (OJ 2016 C 38/38, footnote omitted.)*

Thanks to Edina Márton for the tip-off!