

CJEU on mosaic approach and jurisdiction for action on compensation for damage resulting from an online publication under Article 7(2) of the Brussels I bis Regulation in the case Gtflix Tv, C-251/20

This Tuesday the Court of Justice delivered its judgment in the case Gtflix Tv, C-251/20, where it has been asked to interpret Article 7(2) of the Brussels I bis Regulation in the context of an online publication allegedly disparaging a legal person and an action for compensation brought by that person before the court of a Member State in the territory of which that content was accessible.

The preliminary question referred to the Court read as follows:

“Must Article 7(2) of [the Brussels I bis Regulation] be interpreted as meaning that a person who, considering that his or her rights have been infringed by the dissemination of derogatory comments on the internet, brings proceedings not only for the rectification of information and the removal of content but also for compensation for the resulting non-material and material damage, may claim, before the courts of each Member State in the territory of which content published online is or was accessible, compensation for the damage caused in the territory of that Member State, in accordance with the judgment in eDate Advertising (paragraphs 51 and 52), or whether, pursuant to the judgment in [Bolagsupplysningen and Ilsjan] (paragraph 48), that person must make the application for compensation before the court with jurisdiction to order rectification of the information and removal of the derogatory comments?”

In essence, the referring court sought to establish whether the mosaic approach

stood up to the test of time (also) in the contexts such as the one described in the preliminary question.

The Court answered in the affirmative.

A person who brings proceedings not only for the rectification of information and the removal of content but also for compensation for the resulting non-material and material damage, may claim, before the courts of each Member State in the territory of which content published online is or was accessible, compensation for the damage caused in the territory of that Member State, despite the fact that - as the Court seems to stress it in its answer - these courts would not have jurisdiction to rule on the rectification or removal of content.

The judgments is available here (in French, so far), with a press release in English.