



Universiteit  
Leiden  
The Netherlands

## **Protection for databases : the European Database Directive and its effects in the Netherlands, France and the United Kingdom**

Beunen, A.C.

### **Citation**

Beunen, A. C. (2007, June 7). *Protection for databases : the European Database Directive and its effects in the Netherlands, France and the United Kingdom*. Wolf Legal Publishers, Nijmegen. Retrieved from <https://hdl.handle.net/1887/12038>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/12038>

**Note:** To cite this publication please use the final published version (if applicable).

## Table of cases

The numbers refer to the sections in which the cases are discussed.

### EUROPEAN DECISIONS

#### *Decisions of the European Commission*

- Decision IV/31.851 of 21 December 1988 (Magill TV Guide v. ITP, BBC and RTE), *OJEC* 1989 L 78/43 | Section 1.2.2.1e
- Case COMP D3/38.044 of 3 July 2001 (NDC Health v. IMS Health), *OJEC* 2002 L 59/18 | 5.2.2.3

#### *Court of First Instance*

- Case T-51/89, Court of First Instance 10 July 1990 (Tetra Pak Rausing SA v. Commission (Tetra Pak I)), *ECR* 1990, p. II-309 | 5.2.3.1
- Case T-504/93, Court of First Instance 12 June 1997 (Tiercé Ladbroke SA v. Commission), *ECR* 1998, p. II-923 | 5.2.2.2, 5.2.3.1, 5.2.4
- Case T-184/01 R, President of the Court of First Instance, orders of 10 August 2001 (IMS Health v. Commission), *ECR* 2001, p. II-2349 and of 26 October 2001, *ECR* 2001, p. II-3193 | 5.2.2.3
- Case T-69/89, Court of First Instance 10 July 1991 (RTE v. Commission (Magill)), *ECR* 1991, p. II-485 | 5.2.3.1, 5.3.2.2a

#### *European Court of Justice*

- Case 27/76, European Court of Justice 14 February 1978 (United Brands v. Commission), *ECR* 1978, p. 207 | 5.2.1
- Case 148/78, European Court of Justice 5 April 1979 (Ratti), *ECR* 1979, p. 1629 | 1.5.16
- Case 8/81, European Court of Justice 19 January 1982 (Becker), *ECR* 1982, p. 53 | 1.5.16
- Case 80/86, European Court of Justice 8 October 1987 (Kolpinghuis), *ECR* 1987, p. 3969 | 1.5.17
- Case 53/87, European Court of Justice 5 October 1988 (Cicra et Maxicar v. Renault), *ECR* 1988, p. 6039 | 5.2.2.1, 5.2.3.1
- Case 238/87, European Court of Justice 5 October 1988 (AB Volvo v. Erik Veng Ltd), *ECR* 1988, p. 6211 | 5.2.1, 5.2.2.1, 5.2.3.1
- Case C-106/89, European Court of Justice 13 November 1990 (Marleasing), *ECR* 1990, p. I-4135 | 1.6
- Case C-41/90, European Court of Justice 23 April 1991 (Höfner and Elser v. Macrotron), *ECR* 1991, p. I-1979 | 5.2.1

- Cases 76/89R, 77/89R and 91/89R, President of the European Court of Justice, order of 11 May 1998, (*RTE and others v. Commission (Magill)*), *ECR* 1989, p. 1141 | 1.2.2.1e
- Joined Cases C-241/91 P and C-242/91 P, European Court of Justice 6 April 1995 (*RTE & ITP v. Commission (Magill)*), *ECR* 1995, p. I-743 | 1.2.2.1e, 1.2.2.3c, 5.1, 5.2.1.1, 5.2.2.2, 5.2.2.3, 5.2.2.4, 5.2.3.1, 5.2.3.2, 5.2.4, 5.3.1, 5.3.2.2a, 5.3.3.2, 5.4
- Case C-7/97, European Court of Justice 26 November 1998 (*Oscar Bronner v. Mediaprint (Bronner)*), *ECR* 1998, p. I-7791 | 1.2.2.1e, 4.2.3.10, 5.2.2.2, 5.2.2.3, 5.2.2.4, 5.2.3.2, 5.3.1, 5.3.2.2a
- Case C-46/02, Reference for a preliminary ruling by the Vantaan Käräjäoikeus by order of that court of 1 February 2002 in the case of *Fixtures Marketing Ltd v. Oy Veikkaus Ab*, *OJEC* 2002 C 109/27 | 4.2.3.7
- Case C-46/02, European Court of Justice 9 November 2004 (*Fixtures Marketing Ltd v. Oy Veikkaus Ab*), *ECR* 2004, p. I-10365 | 4.1, 4.2.2, 4.2.3.1, 4.2.3.4, 4.2.3.7, 4.2.3.8, 4.2.3.10, 4.2.4, 4.2.5, 5.1, 6.3, 7.3
- Case C-203/02, Reference for a preliminary ruling by the Court of Appeal (England and Wales) (Civil Division), by order of that court dated 24 May 2002, in the case of 1) The British Horseracing Board Limited, 2) The Jockey Club and 3) Weatherbys Group Limited v. William Hill Organization Limited, *OJEC* 2002 C 180/14 | 4.2.3.7, 4.4.2.2, 4.5.4.2
- Case C-203/02, European Court of Justice 9 November 2004 (*British Horseracing Board Ltd v. William Hill Ltd*), *ECR* 2004, p. I-10415 | 3.2.2, 4.1, 4.2.3.1, 4.2.3.5, 4.2.3.7, 4.2.3.8, 4.2.3.9, 4.2.3.10, 4.2.4, 4.2.5, 4.4.2.2, 4.4.3.1, 4.5.1, 4.5.3.1, 4.5.3.2b, 4.5.3.2c, 4.5.4.1, 4.5.4.2, 4.6.3, 4.6.4, 5.1, 6.3, 7.3
- Case C-338/02, Reference for a preliminary ruling from the Högsta Domstolen by order of that court of 10 September 2002 in the case of *Fixtures Marketing Ltd v. Svenska Spel AB*, *OJEC* 2002 C 274/39 | 4.2.3.7
- Case C-338/02, European Court of Justice 9 November 2004 (*Fixtures Marketing Ltd v. Svenska Spel AB*), *ECR* 2004, p. I-10497 | 4.1, 4.2.2, 4.2.3.1, 4.2.3.7, 4.2.3.8, 4.2.3.10, 4.2.4, 4.2.5, 5.1, 6.3, 7.3
- Case C-444/02, Reference for a preliminary ruling from the Monomeles Protodikio Athinon by order of that court of 11 July 2002 in the case of *Fixtures Marketing Ltd v. Organismoa Prognostikon Agnon Podosfairo AE (OPAP)*, *OJEC* 2003 C 31/17 | 4.2.3.7
- Case C-444/02, European Court of Justice 9 November 2004 (*Fixtures Marketing Ltd v. Organismoa Prognostikon Agnon Podosfairo AE (OPAP)*), *ECR* 2004, p. I-10549 | 2.2.2, 2.2.3.1, 2.2.3.3, 4.1, 4.2.2, 4.2.3.1, 4.2.3.7, 4.2.3.8, 4.2.3.10, 4.2.4, 4.2.5, 5.1, 6.3, 7.3
- Case C-481/01 P(R), President of the European Court of Justice 11 April 2002 (*NDC Health v. IMS Health*), *ECR* 2002, p. I-3401 | 5.2.2.3
- Case C-418/01, European Court of Justice 29 April 2004 (*IMS Health v. NDC Health*), *ECR* 2004, p. I-5039 | 5.2.2.3, 5.2.2.4, 5.2.3.1, 5.2.4, 5.3.2.2a, 5.3.3.2, 5.4
- Case C-109/03, European Court of Justice 25 November 2004 (*KPN Telecom BV v. Onafhankelijke Post en Telecommunicatie Autoriteit (OPTA)*), *ECR* 2004, p. I-11273 | 4.2.5

*European Commission for Human Rights*

- European Commission for Human Rights 6 July 1976, *Ars Aequi* 1979/28, p. 145 note H. Cohen Jehoram | 3.2.2

## FRANCE

*Tribunaux de Grande Instance (Courts of First Instance)*

- TGI Paris 5 March 1997 (Cinémathèque française et autres v. Association Henri Langlois et autres), *RIDA* 1997/172, p. 306 | 2.2.5.2
- TGI Lyon 28 December 1998 (Editions Législatives v. Le Serveur Administratif, Thierry Ehrmann and others), *RIDA* 1999/181, p. 325 with a brief annotation by Kéréver at pp. 257-259 | 3.2.3, 4.6.6
- TGI Paris 22 June 1999 (Groupe Miller Freeman, Miller Freeman France, Safi et Stil v. Sté Tigest) | 4.2.3.5, 4.2.7.2
- TGI Lille 11 July 2000 (Webvisio.com v. Multimédia Assistance Internet), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3
- TGI Paris 8 January 2001 (SA Cadremploi v. SA Keljob), on the Internet: [www.juriscom.net](http://www.juriscom.net) | 4.2.7.2, 4.4.2.3
- TGI Paris 31 January 2001 (Groupe Miller Freeman (devenue Reed Expositions France) et SA Safi v. Sarl Neptune Verlag), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.6.6, 5.2.3.2
- TGI Paris 13 February 2001 (S.N.C. Prisma Presse et E.U.R.L. Femme v. Monsieur Charles V.), on the Internet: [www.juriscom.net](http://www.juriscom.net) | 4.6.6
- TGI Marseille 23 February 2001 (Sarl Stratégies Networks v. Sté Net Fly), *Propriétés Intellectuelles* 2002/5, pp. 105-106 note J. Passa | 4.6.6
- TGI Paris 5 September 2001 (SA Cadremploi v. SA Keljob et Sté Télécommunications France), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.4.2.3, 4.5.3.2c, 4.6.6
- TGI Paris 14 November 2001 (SA Les Editions Néressis v. SA France Télécom Multimédia Services), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.4.2.3, 4.5.3.2c, 4.6.6
- TGI Paris 25 April 2003 (Sonacotra v. Syndicat Sud Sonacotra), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3, 4.2.7.2, 4.3.4
- TGI Paris 11 June 2003 (Cap Equilibre & M. Lairis v. Milloz) | 4.2.7.2
- TGI Strasbourg 22 July 2003 (Jataka, Pierre M. v. EIP, Patrick G.), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.4.4, 4.6.6
- TGI Rennes 16 June 2005 (Precom, Ouest France Multimedia v. Directannonces), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2
- TGI Caen 15 September 2005 (Itac v. Equipmedical, Jacques L.), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3, 4.6.6
- TGI Paris 19 September 2005 (Edit Internet et Translation v. Olivier B.), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2

*Tribunaux de commerce (Commercial Tribunals)*

- Tribunal de commerce Nanterre 27 January 1998 (Edirom v. Global Market Network), *D.I.T.* 1999/3, p. 42 note C. Girot; on the Internet: [www.legalis.net](http://www.legalis.net) note A. Ragueneau | 3.2.3

- Tribunal de commerce Paris 9 February 1998 (Cybion v. Qualisteam), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3, 3.3.3
- Tribunal de commerce Paris 7 May 1999 (SA Electre v. Sarl T.I. Communication, Sarl Maxotex et Monsieur M.D.), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.4.5.1
- Tribunal de commerce Paris 18 June 1999 (SA France Télécom v. Sarl MA Editions et SA Fermic devenue Iliad), *D.I.T.* 1999/4, p. 57 note C. Girot; *MMR* 1999/9, p. 533 note J. Gaster; *D.* 2000/5, jur., p. 105 note D. Goldstein | 4.2.3.5, 4.2.7.2, 4.6.6, 5.2.3.2
- Tribunal de commerce Nanterre 4 October 1999 (SA PR Line v. SA Communication & Sales et Sarl News Invest), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2
- Tribunal de commerce Nanterre 16 May 2000 (SA PR Line v. SA Communication & Sales et Sarl News Invest), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.5.3.2c, 4.6.6
- Tribunal de commerce Nanterre 8 November 2000 (Sarl Stepstone France v. Sarl Ofir France), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.4.2.3
- Tribunal de commerce Paris 26 December 2000 (Havas et Cadres On Line v. Keljob), *Propriétés Intellectuelles* 2001/1, p. 92 note J. Passa | 4.4.2.3, 4.6.6
- Tribunal de commerce Paris 16 February 2001 (AMC Promotion v. CD Publishers Construct Data Verlag GmbH) | 4.2.7.2
- Tribunal de commerce Paris 18 June 2003 (Sté Dreamnex v. Sarl Kaligona), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.6.6
- Tribunal de commerce Paris 19 March 2004 (Société OCP Répartition v. Société Salvea), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3, 4.2.7.2
- Tribunal de commerce Nanterre 14 May 2004 (Consultants immobilier v. Aptitudes immobilier), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.2.7.2, 4.3.5

*Cours d'appel (Courts of Appeal)*

- CA Paris 8 June 1983, *D.* 1983, inf.rap., p. 511 | 2.2.5.2
- CA Paris 15 March 1988 (Schlumpf), *D.* 1988, p. 542 note B. Edelman | 2.2.5.2
- CA Paris 26 March 1991 (Cie des Courtiers Jurés Piqueurs de Vins de Paris v. Sté Cellier des Halles et autre), *RIDA* 1991/4, p. 148; *D.* 1992/38, jur., p. 462 note A. Tricoire | 3.2.3
- CA Douai 7 October 1996 (Sté DDB Needham v. Cie des Courtiers Jurés Piqueurs de Vins de Paris), *RIDA* 1997/172, p. 286 | 3.2.3
- CA Paris 2 October 1997 (Association Henri Langlois et autres v. Cinémathèque française et autres), *D.* 1998, p. 312 note B. Edelman; *RIDA* 1998/176, p. 422 | 2.2.5.2
- CA Paris 8 October 1997 (Louise Laurin v. veuve Lam et autres), *Gaz. Pal.* 1998/2, somm., p. 454 note L. Tellier-Loniewski | 3.2.3
- CA Paris 18 June 1999 (SA Groupe Moniteur et autres v. Sté Observatoire des marchés publics), *RIDA* 2000/183 p. 316; *GRUR Int* 2000, p. 799 | 3.2.3, 4.2.7.2
- CA Paris 29 June 1999 (France Télécom v. Lectiel (anciennement Filetech), Group-adress), *Expertises* 2000/235, p. 74 | 5.2.3.2
- CA Lyon 22 June 2000 (Monsieur T., Madame N., SA Le Serveur Administratif v. Sarl Editions Législatives, SA Jet On Line, SA France Télécom), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3
- CA Paris 25 May 2001 (SA Keljob v. SA Cadremploi), *Propriétés Intellectuelles* 2001/1, p. 92 note J. Passa | 4.2.7.2, 4.4.2.3, 4.5.3.2c, 4.6.2

- CA Paris 12 September 2001 (Sté Tigest v. Sté Reed Expositions France, Sté Salons français et internationaux Safi), *JCP* 2002.II.10000 note F. Pollaud-Dulian | 4.2.3.5, 4.2.7.2, 4.6.6, 5.2.3.2
- CA Paris 11 January 2002 (Golias v. Les Editions du cerf), *Légipresse* 2002/1, p. 19; *Propriétés Intellectuelles* 2002/5, p. 42 note A. Lucas | 3.2.3
- CA Paris 20 March 2002 (Construct Data Verlag v. Reed Expositions France), *PIBD* 2002/746, III-331 | 4.2.7.2
- CA Paris 29 March 2002 (Sarl Editions EXES v. Sarl PX PRESS), *Propriétés Intellectuelles* 2002/4, p. 61 note A. Lucas | 3.2.3
- CA Versailles 11 April 2002 (Sarl News Invest v. SA PR Line), *RIDA* 2002/194, p. 247 note A. Kéréver | 3.2.3, 4.2.7.2, 4.5.3.2c
- CA Aix-en-Provence 17 April 2002 (Maître J.-L.H. v. Sarl Stratégies Networks et Sté Net Fly), *Propriétés Intellectuelles* 2002/5, pp. 105-106 note J. Passa | 4.6.6
- CA Paris 18 June 2003 (Credinfor v. Artprice.com), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3, 4.2.7.2, 4.6.6
- CA Douai 23 February 2004 (Courta Finance v. Dominique L., Abyss Finance, Eatime), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3
- CA Versailles 18 November 2004 (Rojo R. v. Guy R.), on the Internet: [www.legalis.net](http://www.legalis.net) | 4.3.5

*Conseil de la Concurrence (French Competition Authority)*

- Conseil de la Concurrence 29 September 1998, decision no. 298-D-60 (Filetech) | 5.2.3.2

*Conseil d'Etat (Council of State)*

- Conseil d'Etat 10 July 1996 (Sté Direct Mail Promotion et autres), *RIDA* 1996/170, p. 207 note A. Kéréver | 3.3.3
- Conseil d'Etat 29 July 2002 (Sté Cegedim v. INSEE), on the Internet: [www.legalis.net](http://www.legalis.net) | 5.2.3.2

*Cour de cassation (French Supreme Court)*

- Cass. 1re civ., 9 November 1983 (Microfor v. Le Monde), *JCP* 1984.I.20189 note A. Françon, and Cass. ass. plén., 30 October 1987, *D.* 1988, p. 21 note J. Cabannes | 3.2.3
- Cass. 1re civ., 2 May 1989 (SARL v. SA Coprosa), *JCP* 1990.II.21932 note A. Lucas; *RIDA* 1990/143, p. 309; *D.I.T.* 1990/2, p. 38 note Ph. Gaudrat; *D.* 1990, somm., p. 49 note C. Colombet and p. 330 note J. Huet | 3.2.3, 3.5
- Cass. 5 January 1999 (Cie des Courtiers Jurés Piqueurs de Vins de Paris v. Sté Cellier des Halles et Gilbert Babin), discussed by A. Kéréver in *RIDA* 1999/180, pp. 279-281 | 3.2.3
- Cass. 4 December 2001 (France Télécom v. Lectiel, Groupadress), *ECLR* 2002/5, p. N-61 | 5.2.3.2
- Cass. 1re civ., 3 April 2002 (Mme Kannas v. Sté Larousse-Bordas), *D. Affaires* 2002/19, jur., p. 1552 note J. Daleau | 3.3.3
- Cass. 1re civ., 20 January 2004 (Le Serveur administratif v. Thierry E. et autres), on the Internet: [www.legalis.net](http://www.legalis.net) | 3.2.3

## GERMANY

- Oberlandesgericht Düsseldorf 30 July 1981 (Wanderausstellung), *Schulze OLGZ* 246, p. 4 | 2.2.5.2
- Landgericht Berlin 8 October 1998, *CuR* 1999/6, p. 388 | 4.4.2.3, 4.6.5
- Landgericht Cologne 2 December 1998, *CuR* 1999/9, p. 593 note J. Obermüller | 4.4.2.3, 4.6.5
- Landgericht Cologne 25 August 1999 (Kidnet.de v. Babynet.de), *CuR* 2000/6, p. 400 | 4.2.3.5
- Landgericht Munich 1 March 2002, *CuR* 2002/6, p. 452 | 4.4.4, 4.5.4.2, 4.6.5, 4.6.6
- Bundesgerichtshof (German Supreme Court) 17 July 2003 (Paperboy), *I ZR* 259/00; *JAVI* 2003, p. 222 note R. Chavannes and W. Steenbruggen | 4.4.2.3, 4.4.4, 4.6.5

## THE NETHERLANDS

*District Courts*

- District Court Rotterdam 24 August 1995 (Bridgesoft v. Lenior), *Informatierecht/AMI* 1996/5, p. 101; *CR* 1996/5, p. 194 note R. de Mulder | 4.4.3.4
- District Court Rotterdam 14 November 1996 (Bridgesoft v. Lenior), *CR* 1997/2, p. 74 | 4.4.3.4
- President District Court The Hague 20 March 1998 (Vermande v. Bojkovski), *CR* 1998/3, p. 144 note J. Spoor; *IER* 1998/3, p. 111 note J. Kabel; *BIE* 1998, p. 390 note A. Quaedvlieg | 4.2.5, 4.7.6.1
- President District Court The Hague 5 January 1999 (NOS e.a. v. De Telegraaf), *Informatierecht/AMI* 1999/2, p. 22 | 4.2.3.3
- District Court The Hague 9 June 1999 (Scientology Church v. XS4ALL), *CR* 1999/4, p. 200 note P.B. Hugenholtz; *Mediaforum* 1999/7-8, p. 205 note D. Visser | 4.4.4, 4.4.5.2
- President District Court The Hague 29 June 1999 (KPN v. XSO), *Mediaforum* 2000/2, p. 64 note P.B. Hugenholtz; *IER* 2000/2, p. 72 note F. Grosheide; *Informatierecht/AMI* 2000/4, p. 71, note A. Beunen p. 58; *CR* 2000/3, p. 154 note B. Aalberts and M. Schellekens | 3.2.2, 4.2.3.3, 4.2.3.4, 4.4.2.3, 4.4.3.2, 4.4.5.1, 4.6.4, 4.6.5
- President District Court Amsterdam 16 December 1999 (Ter Wee v. Van den Haak), *Mediaforum* 2000/2, p. 62 note D. Visser | 4.2.7.1, 4.4.4
- President District Court Haarlem 21 April 2000 (IMS Health v. Pharma Vision), *CR* 2000/4, p. 209; *IER* 2000/4 p. 194 | 3.2.2
- President District Court Rotterdam 22 August 2000 (Dagbladen v. Eureka), *IER* 2000/5, p. 268 note E. Arkenbout; *CR* 2000/5, p. 259 note H. Struik; *Informatierecht/AMI* 2000/10, p. 57 note K. Koelman; *Mediaforum* 2000/10, p. 344 note T. Overdijk | 4.2.3.3, 4.4.2.3, 4.4.4, 4.5.2.2, 4.5.4.1, 4.5.4.2, 4.6.5
- President District Court The Hague 12 September 2000 (NVM v. De Telegraaf), *Informatierecht/AMI* 2000/9, p. 191 note T. Overdijk; *Mediaforum* 2000/11-12, p. 395 note M. van Eechoud; *CR* 2000/6, p. 297 note H. Struik | 4.2.2, 4.2.3.3, 4.2.3.4, 4.2.3.4, 4.2.4, 4.4.2.3, 4.4.3.4, 4.4.4, 4.5.3.2b, 4.5.3.2c, 4.6.1, 4.6.4
- District Court Almelo 6 December 2000 (KPN v. Denda), *Mediaforum* 2001/5, p. 177 note A. Beunen; *Informatierecht/AMI* 2001/3, p. 69 note H. Cohen Jehoram | 4.2.3.3, 4.2.3.4

- President District Court Almelo 28 December 2000 (Presscorp v. GoldNet), *IER* 2001/3, p. 108; *AMI* 2001/3, p. 64 | 3.2.2, 4.4.2.2
- President District Court Amsterdam 29 November 2001 (Kazaa v. Buma/Stemra), *AMI* 2002/1, p. 21 note P.B. Hugenholtz | 4.4.2.3, 4.4.5.3
- President District Court Breda 24 April 2002 (Stichting Brein v. X), *AMI* 2002/4, p. 137 note J. Seignette | 4.4.5.3
- President District Court Groningen 18 July 2002 (Wegener v. Hunter Select), *CR* 2002/5, p. 315; *AMI* 2002/5, p. 196 note K. Koelman; *Mediaforum* 2002/5, p. 301 note T. Overdijk; *JAVI* 2002/3, p. 100 note W. Pors | 2.2.3.1, 4.2.7.1, 4.5.2.2
- District Court Amsterdam 4 September 2002 (PCM e.a. v. Euroclip), *CR* 2002/6, p. 381 note H. Struik; *Mediaforum* 2002/5, p. 329 note T. Overdijk; *JAVI* 2002/3, p. 100 note W. Pors; *JAVI* 2002/3, p. 102 note A. Quaedvlieg; *AMI* 2003/1, p. 22 note J. Spoor; *IER* 2003/1, p. 21 note F. Grosheide | 2.2.3.1, 4.5.2.2
- District Court Rotterdam 11 December 2002 (NOS and HMG v. NMa), *Mediaforum* 2003/2, p. 73 note R. Mahler | 4.2.3.3, 5.2.2.4, 5.2.3.2
- President District Court Arnhem 4 April 2003 (Interactive Telecom Solutions Ltd and others v. De Ruijter), *KG* 2003, no. 112 | 4.3.7, 4.7.2
- President District Court Zutphen 2 September 2003 (Stichting Vrije Recreatie v. de heer A.), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.4.2.2
- District Court Amsterdam 15 October 2003 (Technos BV v. X), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.3.5
- President District Court Leeuwarden 30 October 2003 (Vriend v. Batavus), *AMI* 2004/1, p. 32 note K. Koelman; *JAVI* 2003/6, p. 215 note Chr. Alberdingk Thijm | 4.4.4
- District Court Haarlem 12 May 2004 (Techno Design v. Stichting Brein), *AMI* 2004/5, p. 185 note K. Koelman; *CR* 2004/6, p. 294 note O. Volgenant | 4.4.3.4, 4.4.4, 4.4.5.1, 4.4.5.2, 4.4.5.3
- President District Court Amsterdam 11 November 2004 (ANP v. Novum), *IER* 2005/1, p. 27 note K. Koelman; *CR* 2005/2, p. 77 note O. Volgenant | 4.2.3.6, 4.2.3.9
- President District Court Arnhem 27 December 2004 (Autonet v. Promasy), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.2.3.9
- District Court The Hague 2 March 2005 (Dagbladen v. Staat der Nederlanden), *CR* 2005/3, p. 143 note K. Koelman; *AMI* 2005/3, p. 103 note J. Seignette | 4.6.4
- President District Court Amsterdam 30 June 2005 (GFK Benelux Marketing Services BV, Stichting Mega Top 100, Stichting Nederlandse Top 40 v. Van Oeffelen), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.2.7.1
- President District Court Amsterdam 28 July 2005 (SBS Broadcasting BV v. Quote Media Holding BV, MNTB BV, MTV Networks BV), *NJ Feitenrechtspraak* 2005, no. 339 | 4.2.7.1, 5.2.3.2
- District Court Zutphen 30 November 2005, on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.3.7
- President District Court Arnhem 16 March 2006 (Makelaars en NVM v. Zoekallehuizen.nl), *AMI* 2006/3, p. 93 note Chr. Alberdingk Thijm; *Mediaforum* 2006/4, p. 114 note T. Overdijk | 4.2.3.9, 4.4.2.3, 4.4.4, 4.6.5

*Courts of Appeal*

- Court of Appeal Arnhem 15 April 1997 (Denda v. KPN & PTT Telecom), *Mediaforum* 1997/5, p. B72; *Informatierecht/AMI* 1997/10, p. 214; *CR* 1997/6, p. 314 note H. Struik | 4.2.3.2, 4.2.3.3, 4.2.3.4, 4.7.6.2
- Court of Appeal The Hague 21 December 2000 (De Telegraaf v. NVM), *Mediaforum* 2000/2, p. 87 note M. van Eechoud; *CR* 2001/2, p. 89 note H. Struik; *Informatierecht/AMI* 2001/3, p. 70 note H. Cohen Jehoram | 4.2.3.3, 4.2.3.4, 4.2.5, 4.4.2.3, 4.4.4, 4.5.2.2, 4.6.6
- Court of Appeal The Hague 30 January 2001 (De Telegraaf v. NOS e.a.), *Mediaforum* 2001/2, p. 90 note T. Overdijk; *Informatierecht/AMI* 2001/3, p. 73 note H. Cohen Jehoram | 4.2.3.3, 4.2.3.4, 5.2.3.2
- Court of Appeal Amsterdam 28 March 2002 (Kazaa v. Buma/Stemra), *CR* 2002/3, p. 144; note H. Bannink in *JAVI* 2002/1, pp. 28-29 | 4.4.2.3, 4.4.5.1, 4.4.5.3
- Court of Appeal Leeuwarden 27 November 2002 (Wegener v. Hunter Select), *CR* 2003/1, p. 67 note H. Struik; *AMI* 2003/2, p. 59 note P.B. Hugenholtz; *IER* 2003/1, p. 25 note F. Grosheide; *Mediaforum* 2003/2, p. 60 note T. Overdijk | 2.2.3.1, 4.5.1, 4.5.2.2, 4.5.3.2b, 4.5.3.2c
- Court of Appeal Leeuwarden 23 July 2003 (Gratiz.nl), *JAVI* 2003/5, p. 189 note K. Gilhuis | 4.2.7.1
- Court of Appeal The Hague 4 September 2003 (Scientology Church v. Spaink e.a.), *AMI* 2003/6, p. 217 note P.B. Hugenholtz; *JAVI* 2003/5, p. 183 note W. Pors | 4.4.5.2
- Court of Appeal Amsterdam 21 July 2005 (Novum v. ANP), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.2.3.9
- Court of Appeal Amsterdam 15 September 2005 (Technos BV v. X), on the Internet: [www.rechtspraak.nl](http://www.rechtspraak.nl) | 4.3.5
- Court of Appeal Amsterdam 15 June 2006 (Stichting Brein v. Techno Design), *AMI* 2006/5, p. 173 note K. Koelman | 4.4.3.4, 4.4.5.1, 4.4.5.2
- Court of Appeal Arnhem 4 July 2006 (Makelaars en NVM v. Zoekallehuizen.nl), *Mediaforum* 2007/1, p. 21 note B. Beuving | 4.2.3.9, 4.4.2.3, 4.4.4, 4.6.6

*Nederlandse Mededingingsautoriteit (Dutch Competition Authority)*

- Dutch Competition Authority 10 September 1998 (De Telegraaf v. NOS and HMG), *Mediaforum* 1998/1, p. 304 note P.B. Hugenholtz; *Informatierecht/AMI* 1999/1, p. 12 | 4.2.3.3, 5.2.3.2
- Dutch Competition Authority and Dutch Independent Post and Telecommunications Authority (OPTA), provisional decision 14 December 1998 (Denda e.a. v. KPN), *Mediaforum* 1999/2, p. 51 | 5.2.3.2
- Dutch Competition Authority 6 July 2001 (Fiscaal up to Date v. Kluwer), on the Internet: [www.nmanet.nl](http://www.nmanet.nl) | 5.3.2.2c
- Dutch Competition Authority 3 October 2001 (De Telegraaf v. NOS and HMG), *Mediaforum* 2002/2, p. 69 note R. Mahler | 4.2.3.3, 5.2.3.2

*Miscellaneous decisions*

- Onafhankelijke Post en Telecommunicatie Autoriteit (Dutch Independent Post and Telecommunications Authority, OPTA) 29 September 1999 (Denda and Topware v. KPN), *CR* 2000/1, p. 47 | 4.2.5
- College van Beroep voor het Bedrijfsleven (Trade and Industry Appeals Tribunal) 15 July 2004 (NOS v. NMa), *AMI* 2005/2, p. 72 note J. Houdijk | 4.2.3.3, 5.2.3.2

*Hoge Raad (Dutch Supreme Court)*

- HR 6 May 1938 (Caféradio), *NJ* 1938, no. 635 note E. Meijers | 4.4.3.3
- HR 25 March 1949 (La belle et la bête), *NJ* 1950, no. 643 | 3.3.3
- HR 8 March 1957 (Buma v. De Vries), *NJ* 1957, no. 271 | 4.4.3.3
- HR 25 June 1965 (Televizier I), *NJ* 1966, no. 116 note L. Hijmans van den Bergh; *Ars Aequi* 1966/XV, p. 345 note E. Hirsch Ballin | 3.2.2, 4.7.6.2
- HR 30 October 1981 (Columbia Pictures v. CAI; Kabel-TV I), *RvdW* 1981, no. 141; *NJ* 1982, no. 435 note E. van Nieuwenhoven Helbach; *AMR* 1981/5, p. 111; *Ars Aequi* 1982, p. 79 note H. Cohen Jehoram | 4.4.3.3
- HR 14 January 1983 (KTA v. Columbia Pictures; Kabelpiraten), *NJ* 1984, no. 696 note E. van Nieuwenhoven Helbach; *AMR* 1983, p. 59; *Ars Aequi* 1983, p. 604 note H. Cohen Jehoram | 4.4.3.3
- HR 25 May 1984 (CAI v. Columbia Pictures; Kabel-TV II), *NJ* 1984, no. 697 note E. van Nieuwenhoven Helbach | 4.4.3.3
- HR 1 June 1990 (Lamoth v. Kluwer), *NJ* 1991, no. 377 note D. Verkade; *Informatierecht/AMI* 1991, p. 7 note J. Spoor; *Ars Aequi* 1991, p. 71 note H. Cohen Jehoram | 2.2.5.2
- HR 4 January 1991 (Van Dale v. Romme I), *NJ* 1991, no. 608 note D. Verkade | 1.2.1.2, 3.2.2
- HR 8 February 2002 (EP Controls v. Regulateurs), *NJ* 2002, no. 515 note J. Spoor; *AMI* 2002/4, p. 122 note P.B. Hugenholtz; *IER* 2002/4, p. 128 note F. Grosheide; *BIE* 2004, p. 27 note A. Quaedvlieg | 3.2.2
- HR 22 March 2002 (NVM v. De Telegraaf), *Mediaforum* 2002/5, p. 174 note T. Overdijk; *AMI* 2002/3, p. 88 note D. Visser; *IER* 2002/4, p. 150 note H. Speyart; *JAVI* 2002/1, p. 25 note B. Lenselink; *CR* 2002/3, p. 161 note H. Struik | 3.2.2, 4.2.3.3, 4.2.3.4, 4.2.3.6, 4.2.3.8, 4.2.4, 4.2.5, 4.4.2.3, 4.4.4, 4.5.2.2
- HR 6 June 2003 (NOS v. De Telegraaf), *AMI* 2003/4, p. 141 note K. Koelman | 3.2.2, 4.2.3.3, 4.2.3.4, 5.2.2.4, 5.2.3.2
- HR 19 December 2003 (Buma/Stemra v. Kazaa); *AMI* 2004/1, p. 9 note P.B. Hugenholtz | 4.4.2.3, 4.4.5.1, 4.4.5.3

## UNITED KINGDOM

- Trade Auxiliary Co v. Middlesbrough and District Tradesmen's Protection Association (1888) 40 Ch. D. 425 | 4.5.4.2
- Cate v. Devon and Exeter Constitutional Newspaper (1889) 40 Ch. D. 500 | 4.5.4.2
- University of London Press Limited v. University Tutorial Press Limited [1916] 2 Ch. 601 | 3.4.2
- Macmillan & Co Ltd v. Cooper (1924) 40 T.L.R. 186 | 3.2.4
- Football League Limited v. Littlewoods Pools Limited [1959] 1 Ch. 637 | 4.2.3.5
- Ladbroke (Football) Ltd. v. William Hill (Football) Ltd. [1964] 1 W.L.R 273 | 3.2.4, 3.4.2, 4.5.1, 4.5.3.2a
- I.T.P. Limited & B.B.C. v. Time Out [1984] F.S.R. 64 | 4.2.3.5
- Electronic Techniques (Anglia) Ltd v. Critchley Components Ltd [1997] F.S.R. 401 | 4.5.4.2
- Creation Records Ltd. & Ors v. News Group Newspapers Ltd. [1997] E.M.L.R. 444 | 2.2.5.2

- Mars UK Ltd. v. Teknowledge Ltd. [2000] *F.S.R.* 138 (Ch. 1999), *EIPR* 1999/9, p. N-158 note J. Watts | 3.2.4, 4.2.7.3
- British Horseracing Board Limited and others v. William Hill Organization Limited [2001] *RPC* 31, [2001] *EWHC* 516 (Pat) | 4.2.3.5, 4.2.3.7, 4.2.3.10, 4.2.5, 4.2.7.3, 4.4.2.2, 4.5.1, 4.5.3.2c, 4.5.4.2, 4.6.3
- British Horseracing Board Limited and others v. William Hill Organization Limited [2001] *EWCA Civ* 1268 | 4.2.3.5
- Jobserv Limited v. Relational Designers Limited & Others [2002] *EWHC* 176 (Ch) | 4.2.7.3
- SieTech Hearing v. Borland & Ors [2003] *ScotCS* 37 | 3.2.4, 4.2.7.3
- Royal Mail Group plc (formerly known as Consignia plc) v. i-CD Publishing (UK) Limited [2003] *EWHC* 2038 (Ch) | 4.2.3.9, 4.2.7.3
- Royal Mail Group plc v. i-CD Publishing (UK) Limited [2004] *EWHC* 286 (Ch) | 4.2.3.9, 4.2.7.3
- Jobsearch Limited v. Skillssite Limited [2004] *EWHC* 661 (Ch), [2004] *F.S.R.* 762 | 4.2.7.3
- British Horseracing Board Limited, The Jockey Club, Weatherbys Group Limited v. William Hill Organization Limited [2005] *EWCA (Civ)* 863 | 4.2.3.9, 4.2.7.3
- BHB Enterprises plc v. Victor Chandler (International) Limited [2005] *EWHC* 1074 (Ch) | 4.2.3.9, 5.2.3.2
- Attheraces Ltd & Another v. the British Horseracing Board & Another [2005] *EWHC* 3015 (Ch) | 4.2.3.9, 5.2.3.2

#### UNITED STATES OF AMERICA

##### *U.S. Supreme Court*

- U.S. Supreme Court 17 January 1984 (*Sony Corp. of America v. Universal City Studios, Inc.*), 464 *U.S.* 417 (1984) | 4.4.5.3
- U.S. Supreme Court 27 March 1991 (*Feist Publications, Inc. v. Rural Telephone Service Company, Inc.*), 499 *U.S.* 340 (1991); 113 *L. Ed.* 2d 358 note G. Knapp; 111 *S. Ct.* 1282 | 1.2.1.2, 1.2.2.1b, 3.2.2, 4.2.3.4