

Judgment of the Court (Second Chamber) of 14 June 2017 (request for a preliminary ruling from the Hoge Raad der Nederlanden — Netherlands) — Stichting Brein v Ziggo BV, XS4ALL Internet BV

(Case C-610/15) ⁽¹⁾

(Reference for a preliminary ruling — Intellectual and industrial property — Directive 2001/29/EC — Harmonisation of certain aspects of copyright and related rights — Article 3(1) — Communication to the public — Definition — Online sharing platform — Sharing of protected files, without the consent of the rightholder)

(2017/C 277/09)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden

Parties to the main proceedings

Applicant: Stichting Brein

Defendants: Ziggo BV, XS4ALL Internet BV

Operative part of the judgment

The concept of ‘communication to the public’, within the meaning of Article 3(1) of Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society, must be interpreted as covering, in circumstances such as those at issue in the main proceedings, the making available and management, on the internet, of a sharing platform which, by means of indexation of metadata relating to protected works and the provision of a search engine, allows users of that platform to locate those works and to share them in the context of a peer-to-peer network.

⁽¹⁾ OJ C 48, 8.2.2016.

Judgment of the Court (Second Chamber) of 21 June 2017 (request for a preliminary ruling from the Cour de cassation — France) — N.W, L.W, C.W v Sanofi Pasteur MSD SNC, Caisse primaire d’assurance maladie des Hauts-de-Seine, Carpimko

(Case C-621/15) ⁽¹⁾

(Reference for a preliminary ruling — Directive 85/374/EEC — Liability for defective products — Article 4 — Pharmaceutical laboratories — Vaccination against hepatitis B — Multiple sclerosis — Proof of defect of vaccine and of causal link between the defect and the damage suffered — Burden of proof — Methods of proof — Lack of scientific consensus — Serious, specific and consistent evidence left to the discretion of the court ruling on the merits — Whether permissible — Conditions)

(2017/C 277/10)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicants: N.W, L.W, C.W

Defendants: Sanofi Pasteur MSD SNC, Caisse primaire d’assurance maladie des Hauts-de-Seine, Carpimko