

?????????? ????????

?????? ??? ?????????? (?????? ????)

??? 16?? ??????? 2022 (\*)

«????????????? ?????????? – ?????????? – ????? ?????? ?????? ?????????????????? ?????? (???) –  
?????? 2006/112/?? – ????? 2, 24 ??? 43 – ????? ?????? ??? ?????????? – ??????????  
????????? ?????????? ?????????? ?? ?????? ?????????????? ?? ?????? ?????? ?????? –  
????????? ?????????? – ??????? ?? ?????????? ?????????????? – ??????????»

???? ??????? C?596/20,

? ? ?????????? ?????? ?????????????? ?????????? ??????? ?? ?????? 267 ????, ??  
?????? ?? F?városi Törvényszék (?????????? ?????????? ??????????-??????????,  
????????) ?? ??????? ?? 28?? ?????????? 2020, ? ????? ?????? ?? ?????????? ?? ??????????? ??  
12 ??????? 2020, ??? ?????? ?? ??????

**DuoDecad Kft.**

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**Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága,**

? ? ?????????? (?????? ????),

?????????? ?? ??? I. Jarukaitis (?????????), ??????? ????????, M. Illeši? ??? ?. ???????,  
???????,

?????? ??????????: J. Kokott

?????????: A. Calot Escobar

?????? ?? ??? ??????? ????????????,

?????????? ?? ??? ????????????:

- ? DuoDecad Kft., ?????????????? ??? ?? Z. Várszegi, ügyvéd,
  - ? ??????? ????????, ?????????????? ??? ??? M. Z. Fehér ??? G. Koós,
  - ? ?????????? ????????, ??????? ?????????????? ??? ??? L. Inez Fernandes, ??? R. Campos Laires ??? P. Barros da Costa, ??? ??? ??????? ??? ??? R. Campos Laires ??? P. Barros da Costa,
  - ? ?????????? ????????, ?????????????? ??? ??? V. Uher ??? A. Tokár,
- ???? ?????? ?? ?????? ????????????, ??? ??????? ??? ?????????? ??? ??? ?? ??????? ?? ????????????
- ??? 10?? ??????????? 2022,
- ?????? ?? ????????

???????

1 ? ??????? ?????????????? ?????????? ?????? ??? ??????? ??? ?????? 2, ?????????? 1,  
??? ?????? 24, ?????????? 1, ??? ??? ?????? 43 ??? ?????? 2006/112/?? ??? ??????????  
??? 28?? ?????????? 2006, ??????? ?? ?? ????? ?????? ????? ?????????????? ??? (??  
2006, L 347, ?. 1).

2 ? ?????? ??? ?????????? ??? ?????? ?????????? ?????? ??? DuoDecad Kft.  
??? ??? Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága (????????? ?????????? ???  
????????? ?????????? ?????????? ??? ??????????, ???????, ??? ????: ?????????? ??????????),  
????????? ?? ??? ?????????? ??? ?????? ?????????????? ??? (??) ??? ?????????? ??? ??????  
? DuoDecad ??? ? 2009 ??? 2011.

?? ?????? ???????

?? ?????? ??? ???????

3 ??? ?? ??? 2, ?????????? 1, ??????? ?, ??? ?????? 2006/112, ??? ??  
????????? ?? ?????? ?????????? ??? ?????????????? ?? ?????????? ?????? ??? ??????  
???? ?????? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

4 ?? ?????? 24 ??? ?????? ?????? ?????? ?? ???:

«1. ?? “?????? ??????????” ?????? ??? ?????? ???? ?????? ??? ?????? ?????? ?????? ??? ??????.

2. ?? “????????????????? ??????????” ?????? ?? ?????????? ??? ?????????? ?? ??????????  
????????? ? ??? ??????, ???????, ??????? ??? ?????? ??? ?????? ?????????????? ??????????  
?? ??????????, ???????, ?????? ? ??? ?????????????? ??????????, ??????????????????  
?? ?????????????? ? ?????????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????  
?????????, ??????? ? ???, ????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??????????  
????????? ?????? ??????????..»

5 ?? ?????? 43 ??? ?????? ????, ??? ?????? ??? ???? 1? ?????????? 2007 ??? ?? 31?  
????????? 2009 ??? ?? ???:

«? ?????? ?????? ?????? ?????? ???? ???? ???? ?????????? ?????????????? ??? ??????????  
??? ?????????? ? ??? ?????? ?????????? ??? ??? ??? ?????? ?????????? ?? ?????????? ?,  
??? ??? ?????? ??? ???? ?????? ??????????, ? ??? ??? ??? ?????????? ? ?????????? ??????????  
???.»

6 ? ?????? 2008/?? ??? ??????????, ??? 12?? ?????????? 2008, ??? ?? ??????????  
??? ?????? 2006/112 (?? 2008, L 44, ?. 11), ???????????, ?? ??? ?? 1?? ??????????  
2010, ?? ?????? 43 ??? 59 ??? ?????? 2006/112. ? ?????? ???, ??? ?????????????? ?? ???  
????? 2008/8, ?????????? ??? ?????? 44 ?? ???:

«? ?????? ?????? ?????? ??? ?????????? ??? ???? ???? ???? ?????? ??? ?? ??????  
????, ??? ???? ???? ???? ?? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ???  
????????????? . ??????, ??? ?? ?????????? ?????? ?????? ?????????? ?? ?????? ??? ??????????  
????????????? ??? ??? ???? ?????????? ?? ?????? ?????????? ??? ??? ?????? ??? ??? ???  
???? ??? ?????????? ??? ?????????????, ?? ??? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ? ??? ??? ?????? ?????????? ? ?????? ?????????? ??? . ?????? ?????? ?????? ???  
????? ?????? ??????????, ?? ??? ??? ?????? ?????????? ?????????? ? ??? ?????? ??? ??????  
????????? ?????????? ??? ?????? ?????????? ??? ?????? ?????????? ??? ?????? ??? ??????

?????????.»

7 ?? ??? 45 ??? ?????? 2006/112, ??????? ??? ?????????????????? ??????????????,  
?????? ?? ???:

«? ??? ????? ??????? ?????????? ?? ?? ?????????? ??? ??? ????? ???? ???? ??? ?????? ???  
????????????? ?????????????? ??? ?????????? ??? ?????????? ??? ??????, ??? ?? ??????????  
????? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????????? ?? ???  
????????????? ??? ??? ??? ??? ?????? ??? ?????????? ??? ?????????????? ??? ??????, ?? ????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?? ????  
????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????, ?? ??? ??????  
????????? ??? ?????????? ? ??? ??? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ???  
?????????...»

8 ?? ?????? 2006/112, ??? ?????? ??? ??? 1? ?????????? 2007 ??? ??? 31? ??????????  
2009, ??????????, ??? ??? 56, ?? ???:

«1. ?? ?????? ??????? ??? ?????????? ??????????, ?? ?????? ?????????? ?? ????  
????????????? ??? [?????????] ?????????? ?? ?? ?????????? ??? ?????????? ??? ????  
????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ???  
?????????, ??? ??? ? ??? ??? ??? ?????? ??? ?????????? ?????????????? ??? ??????????  
?? ?????? ?????????? ??? ??? ??? ?????? ??? ?????????? ??? ?????????? ??? ??????, ??  
????????? ?? ?????????? ??? ?????? ??? ?????? ?????????? ???, ? ??? ??? ??? ?????????? ??? ? ???  
????????? ?????? ???:

[...]

??) ?? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????????????? ???  
????????? ??.

[...]»

9 ??? ??????? || ??? ?????? 2006/112, ?? ?????? ??? ?? ?? ??? ???????, ?? ???  
????? ??? ????? «????????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ??? ??????????  
????? ??? ?????????? ??? ?????? 56, ?????????? 1, ?????????? ???», ??????????????  
????? ??? ? «????????? ??? ? ?????????? ?????????? ???, ? ?? ?????????? ??? ??????????  
????????? ??? ?????????? » ?????? ??? ? «????? ??????, ?????? ??? ?????????? ??? ??????????  
?? ? ?????? ??? ?????? ??????».

10 ?? ?????? 2006/112, ??? ?????????????? ?? ??? ?????? 2008/8, ?????????? ??? ???  
59 ?? ???:

«????? ??????? ??? ??????? ??????????, ?? ?????? ?????????? ?? ?? ?????????? ??? ???  
? ?????? ??? ????? ?????????? ??? ? ??? ?? ?????? ?????? ??? ? ?? ?????? ?????? ???  
????? ??? ??????????, ??? ? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ??????????????  
????? ?? ?????? ?????? ??? ? ?? ?????? ?????? ???:

[...]

??) ?? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???  
????????? ??.

[...]»

?? ??????? ??????

11 ? az általános forgalmi adóról szóló 2007. évi CXXVII. törvény [????? CXXVII ??? 2007  
????? ?????? ?????????????? ??? (Magyar Közlöny 2007/155) (XI. 16.)], ??? ?????? ???  
????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ???, ?????????? ???  
????? 37 ?? ???:

«(1) ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
?? ?????? ??? ?????? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ? ???  
????? ??? ?????? ???.

(2) ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
?? ?????? ??? ?????? ?????? ??? ?????? ???, ? ?????? ??? ?????? ??? ?????? ??? ? ???  
????? ??? ?????? ???..»

12 T? ??? 46 ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????????? ??? ?????? ???, ????:

«(1) ??? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???, ? ?????? ?????? ???  
????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ?????? ???  
????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ? ?????? ???  
????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???, ??? ? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ???.

(2) ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?? ???????:

[...]

??) ??? ?????? ??? ?????? ??? ?????? ???.

[...]»

? ?????? ??? ?????? ??? ?????? ??? ? ?????????? ??? ??????

13 ? DuoDecad ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???, ? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? Lalib – Gestão e Investimentos Lda. (??? ????: Lalib),  
????? ??? ?????? ??? (?????????), ? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ???, ? DuoDecad ??? ?????? ??? ???  
?? ?? ??? ?????? ??? ?????? ??? ?????? ??? 8 086 829,40 ??? ??? ?? ??????  
????? ??? ?????? ??? ?????? ??? 2009 ??? ??? ??? ?????? ?? ??? 2011.

14 ?????? ?????? ??? ?????? ??? DuoDecad, ? ?????? ?????? ?? ???  
????? ??? ?????? 2009 ??? ?????? ?? ??? 2011, ? ?????? ?????? ?? ???  
????? ??? 10?? ?????? 2020, ?????? ?????? ??? ?????? ???  
????? ?? 458 438 000 ?????? (HUF) (????? 1 286 835 ???), ???  
????? ?????? ??? 129 263 000 HUF (????? 362 841 ???), ???  
?? ??? ?????? ??? ?????? 343 823 000 HUF (????? 964 767 ???) ??????? ??

????????????? ?????? ??? ?????????? ??? ?????? ? DuoDecad ??? ??? ? Lalib, ??? ?  
WebMindLicences Kft. (??? ????: WML), ? ????? ?????? ?????????? ??????? ?????????????? ???  
?????? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??????????  
?????????? ?? ?????????? ???, ??? ?? ?????? ?? ?? Lalib ?????? ?????????? ???  
?? ?????????? ??? ?? ??? ???????????.

15 ?????????? ???, ??????? ?????????????? ???????? ??? DuoDecad, ? ?????????????????  
?????? ??????????? ?? ??????? ??? ?????????? ?????????? ??? 6?? ??????? 2020, ?  
DuoDecad ?????? ??????? ??????? ??? F?városi Törvényszék (????????????? ???????????,  
??????), ??? ??? ?????????? ???????????.

16 ????? ??????? ??? ?????????? ? DuoDecad ?????????????? ??? ?? ?????????? ??? ??????????  
??? ?????? ??? ????? ?????????? ?????????? ?????????? ?????? ?? ?????????? ??  
????????????? ??? Lalib, ??? ??????????, ?????? ?????????? ??? ?? ?????????? ???  
???? ?????????? ??? ?????? ?? ??????????. ? DuoDecad ?????? ??? ? ?????? ??? ??????????  
????????? ??? ????? ?????????? ??? ?????? ?? ?????????? ??? ?? ?????????? ??? ??????????  
???? ?????? ??? ??? ??????????, ??????????, ?? ??? ?????????? ?????????? ??? ??????  
????????? ??? ?????? ?????????? ??? ?????????? ?? ??? ?????? ??? ?????? ??? ? Lalib  
????????? ??? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?? ??????????  
?? . ? ?????????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ?????????? ??? Lalib, ??? ??? ??? WML, ??? ??? ??? ?????? ??? ?? ??????????  
?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ??? ??????????. ???  
?????, ? Lalib ??????, ?????? ??? ?????? ?????? ?????? ??? DuoDecad, ??? ? WML ???  
????????? ?? ?????? ???, ??? ?????????, ??? ?????? ??? ?????? ??? ?????? ??? ?? ??? ??????????  
????????? ??? ?? ??? ?????? ???.

18      ? ?????????? ?????????? ???????? ??? ?????????? ?????? ??? WML, ??? ???? ???? ??????  
???? ???? ???? ?????? ??? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????  
????????? ??? ??? ?????? ? Lalib, ??? ? WML ??? ??? ????????, ?????? ? ??????????  
????? ??? ??? ????? ?????? ?????? ?????? ?????????? ?????? ?????? ?????????????? ???, ???  
??? ?????? ???, «?????????».

19     ?? ?????? ??????????? ?????????????? ??? ?? ??????????? ??? ?? ???????????, ???  
?? ??? ??????? ??? 17?? ??????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832), ???  
????????? ?????????? ??? ??????? 2006/112, ??? ??? ?????? ??? ?????????? ??????????

????????? ??? ?????????? ??? ?????? ??????, ?????? ? ?????????????? ??? ? ?????????? ?????????? ?????????? ???  
????, ??? ?? ?????????????? ??????, ?????????????? ??? ??? ?????? ?????? ?????? ?????????? ???  
????????? ???.

20 ??? ?? ?????? ??????????, ??? ?? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ???  
?????? ??? 17? ?????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832), ??????  
?? ?????? ?? ? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??????  
????????? ?????? ?? ?????? ?????? ??? ?????? ??????, ??? ?????? ? Lalib ?????? ??????  
???? ?? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????????? ??? ??? ?????? ???  
????????? ??????, ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ???  
????????? ?????? ??? ?????? ??? ?????? ?????? ?????? Lalib ?????? ??? ?????? ?????? ?????? ???  
????? ?????? ? DuoDecad, ???, ??? ??? ??? ???, ?????????? ???' ?????? ??? ?????? ???  
??? ?????????? ??????, ?????? ??? ?????? ?????????? ??? ?? ?????????? ??? ?????? ???  
???? ?? ??? ?????? ??? «?????» ??? ?????? ?????????? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? «?????» ?????? ?????? ?????????? ??? ?????? ???  
????????? ?????? ??? ?????? ?????? ??? ?????????? ???, ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ?????? ??? ?????????? ??? ? Lalib ?????? ??? ?????? ???  
????????? ???, ?????? ??? ?????? ??? ?????? ???.

21 ?????????? ??? ?????? 51 ??? ?????? ??? 18? ?????? 2020, KrakVet Marek  
Batko (C?276/18, EU:C:2020:485), ?? ?????? ?????????? ?????? ??? ?????????? ??  
????????? ??? ?????????? ?????? ?????????????? ?????? ?????? ???  
????????? ?????? ?????????? ?????????? ?????? ?????? ?????? ?????? ???  
????????? ?????? ?????????? ????. ?? ?????? ?????????? ?????? ??? ?? ?????????? ??  
????????? ??? ? ?????????? ?????????? ?????? ??? ?????? ??? ?? ?????????? ??? ??  
??? ??? ?????????? ?????????? ?????? ??? ?????? ???, ?? ? ?????? ??? ?????? ???  
????? ?????? ?????? ?????? ?????? ?? ?????????? ??? ?????? ??? ?????? ??  
????????? ??? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

22 ??? ?? ?????? ???, ?? F?városi Törvényszék (????????? ??????????-  
?????????) ?????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ??? ?? ?????????? ???  
????????? ?? ?????????? ?????????? ??????:

«1) ??? ?? ??? 2, ?????????? 1, ??????? ?, ?? ??? 24, ?????????? 1, ??? ??  
????? 43 ??? ?????? 2006/112 ??? ?????? ??? ? ?????????? ??? ?????????? –??????  
????????? ?? ?????? ??? [?????????] ?????? (???? ?????? ??? ?????? ???,  
???? ??????)- ??? ?????? ??? ?????????? ?? ?????????? ??? ?????????? ???  
????????? ????, ?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? (???? ?????? ??? ?????? ???, ??? ??????) ?????????? ??? ?????? ???  
????????? ???, ??? ??? ? ?? ??? ?????? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????????? ??? ? ?? ??? ?????? ?????? ?????? ?????????? ??? ?????? ??? ?????????? ???,  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ???,

?) ??? ?? ??? ?????? ??? ?????? ?????? ?????? ???????, ?????? ?????????? ???  
?????????, ?????????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ??? ?????? ?????? ???????, ?????? ??? ?????????? ?????????? ???  
????? ??? ?????????? ??? ????????

? ) ????? ?????????? ??? ?????????? ??? ?????? ??? ?????????? ?????????????? ???  
????????????? ??? ?????? ??? ?????????????? ???, ?????? ?????? ?????????? ??????????  
????????? ?????????????? ??? ?????????? ??? ?????? ??? ??????

? ) ??? ? ?????? ??? ?????????? ??? ???????, ?????? ??? ?????????? ???, ?  
????????? ??? ??????

? ) ?????? ?????? ?????? ?????? ??? ?????? ?? ?????? ?????????? ??? ??????????  
(?????????, ?????? ?? ??? ?????? ??? ?????????? ??? ?????? ??? ?? ?????? ???  
????????????? ??? ?????? ??? ??????????)?

? ) ??? ?????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? (domain names) ???  
????????? ??? ?????? ??? ?????????? ??? ??????

? ) ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
????????? ??? ?????????? ??? ??????

? ) ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ??????????  
??? ??? ?????? ??? ?????????? [?????????, ?? ??? ?????? ??? ?????????? ?? ?????????? ?? ??????????  
????????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ??????, ?? ??? ?????? ?????????? ???  
????????? ?? ?????????? ??? ?????? ?????????????? ??? ?????? ?????????? ??? ?? ???  
????????????? ??? ?????????? ??? (webmasters) ??? ?????????? ?? ??????????]?

? ) ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ??? ?????? ??? ??????, ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????  
????????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?? ?????? ??? ?????????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???  
????? ??? ?????? ??? ?????????? ???

? ) ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ??????  
????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ???

? ) ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????  
????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
????????? ??? ?????? ????: i) ?? ?????????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??  
????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ii)  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
2) ??? ???? 2, ??? 1, ??? ?? 24, ??? 1, ??? ??

????? 43 ??? ??????? [2006/112] ??? ?????? ??? ? ?????????????? ??? ?????????????? ??  
-????? ?????????????? ??? ?????? ?????? ?????- ?????? ??? ?????????? ?????????????? ??  
????????? ??? ?????? ?????? ???????, ?? ?????????? ?? ?????? ? ?????? ???  
????????? ?????? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ? ??????????  
???? ??? ? ??????????, ? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????????  
??? ??? ?????? ?????? ?????????? ???, ??? ?????????? ??? ?????? ??? ?????? ???  
?????????????:

?) ??? ?????? ??? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
???? ?????????? ??? ?????? ?????????? ??? ?????????? ??? ?????? ???

?) ??? ?? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????????? ??? ?????? ???

?) ??? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? (domain names) ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ???  
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?) ??? ?????? ?????????? ?? ?????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? (webmasters)  
??? ?????? ??? ??????????

???) ??? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ?????? ?????? ?????????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,  
???

?) ??? ?????? ?????? (????? ?????????? ?????????? ??? ?????? ???) ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???, ??? ?????? ??? ?????? ??? 17?? ?????????? 2015,  
WebMindLicenses (C?419/14, EU:C:2015:832), ??? ??? ?????? ?????????? ??? ?????? ???  
??? ? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ???, ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?/?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? -???, ??? ?????? ???  
????????? - ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
?????????;»

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23 ?? ?? ?????????? ???, ?? ?????? ??? ?????? ?? ?????????? ??? ?????? ??  
????? ?????? ???, ???' ?????, ?? ?? ????? 2, ?????? 1, ?????? ??, ?? ??????  
24, ?????? 1, ??? ?? 43 ??? ?????? 2006/112 ???, ??? ?? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???, ??? ?????? ??? ?????? ???  
???? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
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?????????? ??????? ?????????????? ??? ??? ?????????????? ??? ?????????????? ??? ?????????????? ???  
?????????????? ?? ????, ??? ?, ?????, ?????????, ?????????????? ?????????? ??? ???? ??  
???? ?????????? ?????????? ?????? ? ?????? ? ?????? ??? ?????????? ??? ?????? ?????? ?????????? ???  
?????????????, ? ?????? ??? ?????? ??? ????? ?????????????? ?? ??? ???? ?? ??? ???? ?????? ???, ??  
????????? ?????? ??? ?????????? ?????????? ?????????? ?? ?????? ? ?????? ? ?????????? ???  
??????.

24 ??? ??? ??????? ?????????????? ?????????? ?????????? ???, ?? ?? ?? ???  
????????????? ??????????, ?? ?????? ?????????? ?????? ?? ??????????????, ??????? ??  
????????? ?? 17?? ?????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832), ?? ??  
????????? ??????? ?? ?????? ?????? ?????? ?????? ?????? ?? ?????? ?????????? ??????????  
?????? ?? ??????? ? Lalib ??, ?????? ? ?????????? ?? ?????? ?????? ?? ?????? ??  
?? ?? ?????? ??????? ?????????? ?????????? ?????????? ?????????? ?????????? ???????  
????????????? ?????????? ?????? ??? WML ?? Lalib, ?? ?????????? ?????? ?????? ??  
????????? ? WML.

25 ??????????????? ???, ??? ?????? ??? ???? ?????? ?????????? ? ??????? ?? 17??  
?????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832), ?????? ??????? ???  
?????????? ?? ?????? ??? ??? ?????? ?????????? ?????????? ?????????? ???????  
?????? ??? ?? ??????? ??? ?????? ?????? ?????????? ?????????? ?????????? ???????, ??? ?  
????????? ?????? ??? WML ??? Lalib, ?????????? ?????????? ?????????? ??? ???????  
???? ??????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ??????? ??????????  
???, ? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ??????????. ?? ?????????? ??????????,  
??? ??? 34 ??? ?? ??? ???????, ??? ?????????? ??? ?????? ?????????? ??? ?????????? ?? ?????????? ??  
?????????? ?????? ??? ?????????? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??  
??? ?????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????????? ??? ?????????? ?????????? ??????????  
??? ??? ?? ??????????, ?????????? ??? ?????????? ?????????? ??????????, ??????  
????? ?? ?????? ?????????? ?????????? ??? ?????????? ?? ?????????? ?? ?????? ??????????  
????? ?????? ???.

26     ???? ?????? 35 ??? ?????????????????? ??????????, ?? ?????????? ??????????, ??????  
?????, ??? ? ???? ??? ?????????? ??? ?????????? ?????, ??? ??? ?????? ?????? ???  
????? ??? ???, ?????????? ??? ?????????? ??? ?????? ?????? ????????????, ?? ??????  
??? ?????? ?????????? ?????????? ??? ?????? ??? ?????????? ?? ??? ?????? ???  
????????? ?????????? ??????????.

27      ????? ???????????, ??? ???? 43 ??? ???? ?????? ????????, ??? ??? ?? ??????????? ??? ???  
??? ?????? ??? ?????????? ??? ? Lalib ??? ?????? ?????? ?????????? ??? ??? WML, ? ?????? ???  
????? ??? ?????????????? ??? ?????? ?????? ?????? ??????, ??? ??? ??? ?????? ??????  
????? ??? ??????????, ?? ?????????? ??????, ??? ?????? ?????? ?????, ???, ??? ??? ??????  
?????, ?????????? ?? ?????????? ?? ? ?????? ?????? ?????? ?????????? ?????? ?????? ??????????  
????????? ?????? ?????? ?? ?????? ??? ?????? ?????? ?????????? ?????????? ??? ??? ??????,  
????? ?? ?????????? ?? ? ?? ??? ?????? ?????? ?????????? ??? ?????? ?????? ?????????? ???  
????????? ?? ?????? ?? ? ?????? ?????? ?????? ?????????? ??? ?????? ?????? ?????? ?? Lalib  
????? ?? ??????, ??? ??? ?????????? ??? ??? ?????? ?????? ??? ?????? ?????? ??? ??? WML.

????, ??? ??????? ??? ??????? ??? ??????? ??????????? ???????????????, ??? ????  
?????????? ?????????? ??? ????? ?? ??? ????? ?? ?????? ???????????????, ??????????? ???  
????????? ????, ? ????? ?? ?? ??? ????? ?????? ?????? ??? ??????????? ??? ??????????? ???  
?????????????? ??? ????? ?? ??? ????? ?? ?????? ??? ??????????? ??? ??????????? ???.

29    ??????????, ??? ????? 46 ??? ??????? ????, ?? ?????????? ??????????? ???,  
?????????, ?? ??????? ??? ?????????????? ??? ?????????? ??? WML ??? ?  
????????? ??? ?????????? ??? WML, ??? ?? ??? ????? ?????? ?????? ?????? ??? ?????? ?  
???? ??????? ??? ????? ?????????? ??? ?? ??? ????? ?????????? ??? ?????? ??? ?????? ???  
????????? ??? ?????????? ??? ??????, ??? ?? ??? ????? ?????????? ?????????? ???  
????????? ??? ?????????? ??? ?????, ??? ?? ??? ????? ?????????? ???????????, ??? ??  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??? WML ?? ?????????? ??? ?? ??? ?????????? ???, ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???  
???? ?????? ??????? ??? ?????? ??? ????? ?????????? ??? ?????, ??? ???????.

30    ???????, ??? ????? 54 ??? ??????? ??? 17?? ?????????? 2015, WebMindLicenses  
(C?419/14, EU:C:2015:832), ?? ?????????? ?????????? ??? ?? ?????? ??? ?????? ???  
????? ???, ?? ?????????? ?????????? ?????????? ?????????? ??? ?????? ??? ?????????? ??  
??? ?????????? ??? ?????? ??? ?????? ?????????? ?????? ?????? ?????? ?????? ??????????  
??? ?????? ??? ?? ?????????? ?????? ?? ??? ?????? ?????? ?? ??? ?????? ?????????? ?????? ??  
????????? ??? ? ??? ?????????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??  
????????? ??? ??? ?????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???

31    ?? ?? ????? 59 ??? ??????? ????, ?? ?????????? ?????? ??? ?????? ??? ? ???????????  
(?) 904/2010 ??? ??????????, ??? 7?? ?????????? 2010, ??? ?? ?????????? ?????????? ???  
??? ?????????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????????? ??? (?? 2010, L 268,  
?. 1), ??? ?? ?????? ??? ? ?????????? ??? ?????? ?????? ?????? ??? ?????? ??? ??????????  
??? ?? ??? ?????? ?????????? ??? ?????? ??? ?????? ?????????? ?? ??? ??? ??? ?????? ???  
????? ?????? ?????????? ?? ?????????? ?????? ?????? ?????? ?????????? ?????? ?????? ???  
????? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???, ? ?????? ???  
????? ???, ??? ?? ?????????? ??? ? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
?????.

32    ??? ??????? ???, ??????? ??? ?????? ??? ?????? ??? ?????? ??? 17?? ?????????? 2015,  
WebMindLicenses (C?419/14, EU:C:2015:832) ??? ??? ?? ?????????? ??? ?????? ???  
????????? ?????????? ??? ?????? ?????? ?????? ?????????? ??? ?? ?????? ??? ?????? ??? ??  
????? ?????? ?????? ?????????? ?? ??? ?????? ?????? ?????? ?????????? ?? ?????? ??? ?????? ???  
??? ?????? ???, ?? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????? ???  
??? ?????? ??????????, ?? ?????? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? ???  
«????????????? ??????» ??? ?????? ??? ?????????? ?? ?????? ??? ?????? ??? ?????? ???  
????? ?????????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???  
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

33    ???????, ???????????, ??????, ??? ?? ?????? ?????????? ??? ?????? ???  
????? ??? ??? ?????? ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? 17??  
????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832), ??? ??????? ??? ??  
????????? ??? ?? ?????? ??? ?????? ??? ?????? ?, WML ?? Lalib, ?????? ?? ?????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ???  
????? ???, ? ?????? ?????????? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???  
??? ?????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???

?????????? ?? 6?? ??????? 2020, ?? ????? ?????? ??????????? ??? ?????? ??? ??????? ?? ????????.  
??????????, ? ??? ??????? ?? ????? ?????? ?? ?????? ??????? ?? ?? ??? ????? ???????.

34 ????????, ?? ?????? ??????????? ?????? ??????? ?????? ?????? ?????? ???????????,  
????? ?? ??????? ?????? ?? ??????????? ?????? ?????? ??????? ?????? ??? ??????? ???  
?????????? ??? ??????? 2006/112 ??? ?????????? ??? ?????????? ???, ?? ??????????? ??  
????? ??????????? ?? ?? ?????? ??? ?????????????? ??? ?? ?????????? ?? ???????????  
??? ??????, ??? ?? ???????, ?????? ??? ??????????? ???????????, ?? ???????????  
?????? ??? ??????? ??? ?????? ??? ?????? ?????? ?????? ?????????? ??????????? ??? ??  
????????? ? WML, ??? ?? Lalib, ??? ?????? ?????? ?????? ?????? ?????? ?????????? ???????  
?????????? ?????? ??? ??????? ??? ?????? ?? ?????? ?????????? ??????? ?????????? ???????.

35 ????????, ??? ??? 51 ??? ??????? ??? 18?? ??????? 2020, KrakVet Marek Batko  
(C?276/18, EU:C:2020:485), ?? ?????????? ??????? ???, ?????? ?? ??????????  
????????? ???????, ?? ?????? ??? ?????????? ??????? ??? ?????? ??? ??????? ??  
????????? ?????????? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???  
??????????, ??????????? ??? ? ??? ?????? ?????? ?????????? ?? ?????????? ???????????  
?????????? ?? ??? ?????? ?????, ?????? ?? ?????????? ?, ?????? ??? ??? ???????,  
????????? ??? ?? ?? ?????????? ??? ?????????? ?? ?????? ??? ??? ?????????? ???????,  
?? ?????????? ??? ?????????? ?????? ?????????? ?????????? ???????.

36 ????????, ??? ??? ?????? ??? ?????? ??? ?????????? ??? ?????? ?? ?????? ??????????  
????????????? ??? ? ??? ?????? ??? ?????????? ?????????? ?????????????? ??????????????  
????????????? ?? ??? ?????? ???, ?????? ?? ?????????? ?? ??? ?????????? ??  
??? ?????????? ?????? ?????????????? ?????????? ?? ?????? ??? ??? ?????????? ??? ???????  
??? ??????, ??? ??? ??????? ??? ?????????? ?????????? ?????????? ??? ??? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????? ???.

37 ????????, ??? ?????? ??? ??????????? ??? ?????? 267 ???, ? ?????? ??????????? ??  
??? ??????? ??? ??????????? ??? ?????? ?????????? ??? ??? ???????????, ?  
????????? ??? ? ??????? ??? ?????????? ?????????? ??? ?????????? ??? ??????? ???  
????????? ??? ?????????? ?????? ?????? ??? ?????????? ???????, ?????????? ???  
????? ?? ??????? ??? ?????? ?????? ??? ?????????? ?????????? ???????, ?????????? ???  
?? ?????? 267 ??? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ??? ?? ?????????? ???  
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ??? ?????? [????].  
????????? ??? 21?? ??????? 2007, Omni Metal Service, C?259/05, EU:C:2007:363, ?????? 17,  
??? ?? 6?? ??????? 2021, W.. (????? ??????? ??????? ??? ??????? ?????????? ???  
????????? ?????????? – ???????), C?487/19, EU:C:2021:798, ?????? 78 ??? 132].

38 ???????, ??? ?????? 8 ??? 11 ??? ??????? ??? ?????? ?? ?????? ???????????, ??????? ??  
??? ??????? ??????????? ?????????? (?? 2019, C 380, ?. 1), ??????????? ??? ? ??????  
????????????? ?????????? ??? ?????? ?? ?????? ??????? ??????? ?? ?? ??????????  
????????????? ??? ??????? ??? ?????? ??? ?? ?????? ?????????? ??? ?????????? ?? ??  
?? ?????? ??? ?????? ??? ?? ?????? ??????.

39 ????????, ?? ??????????, ?? ?????????? ??? ?????? ?????? ?? ?????? ??????? ??  
?????????? ?????????? ??????????.

40 ??? ?? ?????, ?????????????? ??? ?? ?????????? ?????????? ?????????? ??????????? ???  
????????? ??? ? ?????? ??? ??????? ??? ?????? ??? ?????? ??? ?????? ?????????? ??????????  
??????????, ??? ? Lalib, ??? ?? ??????? ?? ?????????? ?? ?????? ??? ?????????? ?????? ??  
? WML ??? ??? ??? ?????????? ??? ?????? ??? ?????? ?????????? ?????????? ?????????? ??  
????????? ? ?????????? ?????? ??? WML ??? Lalib ?????? ?????????? ???????.

? ?????????????? ?? ??????? ??????? ?????????? ?????????????? ???????????, ? ?????? ???'  
?????? ?????????????? ??? ?????????? ?????? ?????? ??? DuoDecad ??? Lalib ???,  
?????????????, ??? ?????????????? ??? ?? ?????????? ??? ?????????????? ?????? ?????????? ???  
????????? ??? ?? ?????? 2006/112. ???, ???, ?????????? ???' ?????? ? ??????  
????????????? ??? ?????? 63 ??? 65 ??? ?????????? ???, ?????????? ??? ?????? ??????????  
?? ?????????? ?? ? ?????????? ??? DuoDecad ??? Lalib ?????? ?????? ??????????  
????????????? ??? ?????? ??? ???, ??? ?? ?????????? ?? ?????? ?????? ?? ?????????? ?  
????? ??? ?????? ?????????? ??????????, ??? ?????? ?????????? ?????????, ??? ?????? ?????? ??????????  
????? ???, ?? WML, Lalib ??? DuoDecad, ?????? ?????? ?????? ??? ??????  
????????????? ?? ?????????? ???.

41    ?????????????? ???????, ???, ??? ?????????????? ??? ?????? 36 ??? ???????? ??? 17??  
????????? 2015, WebMindLicenses (C2419/14, EU:C:2015:832), ? ?????????? ??? ??????  
????????????? ?????????? ?? ?????????? ??? ?????????? ?????, ??? ?? ?????????? ???????,  
???? ??? ?????? ?????? ??? ?????????? ??? ?????????? ??? ?????????? ?? ?????????? ??????? ???  
????????? 2006/112 ??? ? ?????? ?????????? ??? ?????????? ??? ?????? ??? ??? ??????????  
??????, ??? ?? ?????????? ??? ?????????? ?????????? ?????????? ? ?????? ??? ??????? ??  
????? ?????? ??? ?????? ??? ?????????? ??? ?????????? ?????????? ???, ???, ???????, ???  
????????? ??? ?????? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????????  
????????? ?????????? ??? ?????? ??? ?????????? ??? ?????????? ??????.

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42    ?????????? ??? ? ??????? ?????????? ??? ?? ??? ?????? ?????????? ??? ?????? ??????  
??? ?????????? ?????????????? ??? ?????? ?????????? ??? ?????? ?????????? ??????????, ?' ???  
????????? ?? ?????????? ??? ?????????? ??????. ?? ?????? ??? ?????? ??????????  
???? ?????????? ?????????? ??? ?????????? ??? ?????? ??? ?????? ?????????, ??? ??????????.

??? ??? ?????? ??????, ?? ?????????? (?????? ????) ??????????:

? ? ?????????? ??? ?????????? ??? ?????? ?????? ?????????? ?? ?????????? ???  
????????????? ?????????? ?? ?????? ?????? ?? F?városi Törvényszék (?????????????  
?????????-?????????, ???????) ?? ?????? ??? 28?? ?????????? 2020.

(?????????)

\*    ?????? ??????????: ? ???????.