

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

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

JULIANE KOKOTT

??? 10?? ??????????? 2022 (1)

?????? C?596/20

DuoDecad Kft.

????

Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatósága

[?????? ??? F?városi Törvényszék

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

??? ??? ?????? ?????????????? ??????????]

«????????????? ?????????? – ?????????? ?????????? – ????? ?????????????? ????? – ?????
2006/112/?? – ????? ?????? ??? ?????????? – ?????????????? ??? ?????? ??? ?????????? –
????????? ??? ?????? ?????? ?????????????? ?????????? ?????????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? – ??? ??? ?????????????? –
????????? ??? ?????? ?????????? – ?????????? ?????????? ??? ?????????? ??? ?????????? ???
????? ???»

I. ????????

1. ? ??????? ?????? ?????????????? ?????????? ?????????????? ?? ??? ?? ?????? ??
????????????? ??? ??????? ?????? ?????. ?????????? ??? ?? ?????? ??? ?????? ?????????? ???
?? ?????? ?????? ??? ?????????? ?????? ???, ?????????? ? ?????????? ??? ???
????????????? ?????????? ?????? ?? ?????????? ?????????? ???????????. ??? ? ?????????? ???
??? ? ?????????? ?????? ??? ? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ??????????
????? ??? ?????????? ?????????? ??? ????. ??? ???? ?????? ?????????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??????.

2. ??? ?????????? ?????????? ??????????????, ?????????? ??? ??? ?? ?????????? ???
?????? ??? ?? ?????????? ?????????? ??? ?????? ??? ?? ?????????? ??? ?????? ???
??? ?????, ??? –??? ?? ?????????? ??? ?????????? (2)– ?????????? ??? ??
????????????? ??? ?????? ?????????? ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ?? ???
????????? ??? ??? ?????????? ?, ??? ?????? ?????? ?????????? ??? ?? ??? ?????? ????. ??? ????
?????? ??? ??? ?????? ?????????? ????. ??? ?????? ??? ?????????? ??? ?? ??? ?????? ???, ???
????? ?????? ??? ?????? ?????????? ????. ??? ?????? ??? ?????????? ??? ?? ??? ?????? ???, ???

? ?????????? ??? ? ?????? ????. ??????, ?? ??????? ?? ?????? ??? ?????? ?????? ?????? ???????????
?? ?????????? ? ?????????? ?? ?????? ?? ?????? ?????????????? ?? ?????? ?????? ?????? ???
????????? ?????? ??? ?????? ?? ?????? ??? ?????? ?????? ??????. ?? ?????? ?????: ??? ??????
?? ?????? ?????????????? ???????????.

3. ????????, ??? ?????? ??? ??????? ?????????????? ?????????? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????????????? ???
????? ??? ??????, ??? ?????????? ?? ?????? ?? ?????? ?????? ?????? ??? ?????? ?????????? ???
??????????. ?? ??????????, ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
??????. ??? ?????? ???, ?????? ??? ?? ?????? ?????? ?????? ?????, ?????????? ?? ??????
????? ??? ? ?????? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ???
????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ???, ???
????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???.

II. ?? ?????? ??????

? . ?? ?????? ??? ??????

1. ? ?????? ????

4. ?? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? (3), ??? ?????? ??? (4).
????? ??? 2009 (4) ??? 2011 (5).

5. ?? ??? 2, ???????? 1, ?????? ?, ??? ?? ???:

«1. ??? ??? ???????? ?? ?????? ????:

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

6. ??? ?? ??? 24, ???????? 1, ??? ?? ??? ????:

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

7. ?? ??? 28 ??? ??? ?????? ????:

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

8. ?? ?????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ???
????? ??? 1? ?????????? 2010 (6), ?? ?????????? ??? ?????? ??? ?? ??? ?????? ??? ???
????????? ??? ???????.

9. ??? ??? ?? ?????? ??? 2009, ?? ??? 43 ??? ?????? ??? ????:

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

10. ? ?? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??
????? ??? 2009 ?? ?? ??? 56, ?????????? 1, ?????? ???, ??? ?????? ??? ?????? ??? ?? ???:

«1. ? ??? ?????? ??? ?????? ??? ?????? ???, ?? ?????? ??? ?????? ??? ?? ????

????????????????? ?????? ??? ?????????????? ? ?? ?????????????? ?????? ??? ????? ??????????????????
??? ?????? ??? ?????????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??????????????, ??? ???? ?
????? ??? ?????? ??? ?????????????? ?????????????????? ??? ?????????????? ??? ?????????????? ? ??? ??????????
????????????? ??? ??? ??? ??? ????? ?????????????? ?? ?????????????? ??????, ?? ?????????????? ??
????????? ?????? ? ??????? ??????????????, ? ?????? ??? ?????????????? ??? ? ??? ??????????
????????? ????:

??) ?????? ?????????? ?? ?????????? ?????? ??? ?????? ?????? ?????? ??? ?????????????? ??
????????? ??».

11. ?? ??????????????? ?????????? II, ?? ????? «????????????? ?????????? ??? ?????????? ???
????????? ?? ?????????? ??? ?????? ??? ?????????????? ??? ?????? 56, ?????????? 1, ??????
??», ????????, ?????? ???, ?? «????????? ??? [?] ?????????? ?????????? [?] ??
????????? ?????????? ?????????? ??? ??????????», ?????? ??? ??? «?????? ??????,
?????? ??? ?????????? ??? [?] ?????? ?????? ??????????».

12. ?? ?????? 196 ?? ??????? ????????, ??? ?? ??????? ????? 2009, ?? ??????? ???.
?????????? ??????? ???. ????? ???. ???????, ??????????? ???. ????? ??????? ???.
?????????? ???. ??????????? ???. ????? ???. ??????????? ???. ????? ???????, ???.

13. ??????????, ??? ?? ??????? ???? 2011, ?? ????? 44 ??? ?????? ?????? ??? ?? ?????????? ?????? ?? ?????: ??

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

14. ???????, ??? ?? ??????? ???? 2011, ?? ????? 196 ??? ?????? (????????? ??? ?????????? ?????? ?????? ?????? ??? ?????????? ?????? ??? ?????? ??? ?????? ??? ??????) ?????????? ???:

2. ? ?????????? 904/2010

15. ??????????, ? ?????????? ?????????? ??? ?????? ??? ?????? ?????????????? ???
????????? ??? ??? ?????? (??) 904/2010 (7).

16. ? ??????????? ?????? 7 ??? ?????????? 904/2010 ????:

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

17. ?? ??? 1, ?????????? 1, ??? ?????????? 904/2010 ??????:

«? ?????? ?????????? ?????????? ??? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????????? ???
????? ?????? ?? ?????? ?????? ?????? ?????? ??? ?? ?????????? ??? ?????????? ??? ?? ??? ??
????????????? ?????? ??? ?????? ??? ?? ?????? ?????? ?????????? ??? ?????????? ??? ??
????? ??? ?????? ???.

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

? . ?? ??????? ??????

18. ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? Az általános
forgalmi adóról szóló 2007. évi CXXVII. törvény (???? CXXVII ??? 2007 ??? ??????
????????????? ???).

III. ? ?????? ???

? . ?? ??????? ?????? ??? ?????? ?????? ?????????? ?????????? ??????????

19. ?????????? ??? ?????? ?????? ?????? ?????????? ?????????? ?????????? ?????????? ??
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ???
??? ??? ?????? ??? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ???
????????? ?????? (DuoDecad Kft., ??? ????: ??????????) ??? ?????? ??????
????????? (Lalib Gestao e Investimentos LDA, ??? ????: Lalib).

20. ?? ?????? ??????, ?? ?? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ??????
-????????? ?? ?????? ?????????? - ?????? ?????? ?? ?????? ?????? ?????? ?????? ??????
????????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?? WebMindLicenses (???
????: WML), ??? ?????? ?????? ?????? ?????? (Lalib). ??? ?????? ?????? ??? ??????
???? ?????? ?????? ?????? ?????? ?? ?????? ?????? ?? ?????? ?????? ?????? ??? ??????
???? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??????
???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ??????
???? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
(8).

21. ??? ?????????? ??????, ?? ?????? ?????? ?????????? ??????, ???' ??????, ??? ??
????????? ?? ?????? ?????? ?? ?????? ?????? ?????? ?????? ?????? ?????? ??? WML ??? ??

Lalib ??????? ?? ???????? ?????????????? ??? ?? ?????????????? ?? ??? ???? ?????? ?????? ???????
?????????. ??????????, ?????????? ?? ?? ?????????? ?? ?????? ?? ? ?????????? 904/2010
???? ?? ?????? ??? ? ?????????? ????? ?????? ?????? ??? ?????????? ?????? ?????? ? ??? ??
????? ?????????? ??? ?????? ??? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?? ?????? ?????? ?????? ?????????????? ?? ??? ?????? ?????? ?????? ?????? ??????
????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????.

22. ??' ????? ?? ?????????? ???????, ?????? ?????, ??? ?????????? ?? ?? ??????
?????????? ?? ?????????? ?? ??????? ?? ?????????? ?????? ?????????? ?? ?????? ?????? ??
?? ?????????? ?? ? ??????? ?? ?????? ?????? ?????? ??? ?????? ?????????? ?????? ?????? ??
????? ?????????? ??? ?????????? ?? ??????? ?? ?????? ?????? ?????? ?????????? ?????? ??????????
????? ?????????? ??? ?? ?????? ?????????? ?????? ?? ???????, ?????, ?? ?? ? ?????? ??? ??
????? ???, ?? ?????? ?????????? ?????? ?? ???????, ?????, ?? ?? ? ?????? ??? ??
??? ?????????? ?????? ?????????????? ?? ??? ?????? ?????????????? ??? ?????????????? ??????????
????????????? ??? ?????? ?????????????? ?? ?? ? ???????, ??? ?????? ??? ?? ?????? ??? ??
????????? ?????????? ?????????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
??? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????????? ?????? ?????????????? ??? ?????? ??? ?? ?????? ??? ?????? ??? ?????? ???
????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ???
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??????
????? ??????.

23. ?? ?? ?????? ?? ?????????? ?????? ?????????????? ??? ?? ?????????????? ?? ?? ?????????????? ??
????????? ??? ?????????? ?????????? ?????? ??? WML ??? ?? ?????????? ??????????????
?????. ???? ??? ?????????? ??? ?????????? ?????? ?????????? ?? ?????? ?????????? ?????????? ??
????????? ??? ?????? ?????? ?????????? ?????? ?????????? ?????? ?????????? ?????? ?????? ??
????????? ??? ?????? ?????? ?????? ?????????? ?? ?????? ??? ?????????? ?????? ?????? ?????? ??????
????? ??? WML ??? ?? ?????????? ?????? ?????? ?????????? ?????? ?????????? ?????? ?????? ??
????? ?????? ??? ? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
WML ??? ?? ??? ?????? ?????? ?????? ?????????????? ? WML ??? ?? ?????? ??????. ???
«????? ??????», ?? ?????? ?????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?? ?????????? ??? ?????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? ???? ??? WML ??? ??????.

? H ?????? ??? ?????? ????

24. ? ?????????? ?????? ?????? ?????? ??? ?????? ?????????? ?????????? ?????????? ?????????? ??????????
????????? ?? ?????????? ?????? ?????? ?????? ?????? 8 ?????????? 2007. ??????
????????? ?????? ??? ???? WML, ? ?????? ??? ?????? ?????? ?????? ?????? ?????? ??? ??
????? ?????????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
?? ?????????? ??? ?? ?????? ?????? ?????? ?????? ?????? ?????? WML ?????? ??????
????????? ???/? ?????????? ??? ??????????.

25. ? ?????????? ?????? ?????? ?????? ?????????? ?????????? ?? ?????? ???, ??? ??
????? ?????? ???, ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????
????????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? Lalib,
???? ?? ?????? ??????, ??? ?? ?????? ??? ?????? ?????? ?????? 8 086 829,40 ??? ?? ?????? ?????? ?????? ??????
????????? ??? ??????.

26. ? ?????????? Lalib ?????? ??? 16 ?????????? 1998 ?????? ?? ??

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

27. ? ?????????? ??? ???? ???? ?????? ??? ?????????? ?????????? ?????????? ?????? ???
????????? ??? ???? ?????????? . ? ?????? ??? ???? ?????????? ??? ???? ?????????? ??????
????? ??? ?????????? ??? ???? ?????? ?????? ??? 2009 ??? ?? ?????????? ?? ?????? ??? 2011.
?? ?????????? ??? ??????, ? ?????????? ?????? ?????????? ??? ??????, ?? ?????? ???
10? ?????????? 2020, ?????? ??? ???? ?? ?????? ??? ?????????? ?????? 458 438 000
????????? ?????? (HUF) (????? 1,25 ?????????? ????) ??? ?????? ?????????? ????
????????? ?????? ?????? 343 823 000 HUF (????? 1 ?????????? ????)
??? ?????? ?????????? ??? 129 263 000 HUF (????? 350 000 ???). ??? ???? ????
????????? ? ?????????? ?????? ?????? ?????????? ??? ?????????? ?? ?????? ??? 6?? ??????
2020.

28. ?? ?????????? ??? ???? ?????????? ?????? ?????????? ??? ???? ?????????? ??? ???? ?
????????? ??? ???? ?????? ??? ?????? ??? ???? ???? ???? Lalib ??? ??? ? Lalib,
???? ? WML. ??? ?????? ??? ?????? ??? ?????????? ??? WML, ?????????? ??? ???? ??
????????? ??? ??? ?????????? ??? ?????????? ??? ???? Lalib ??? ??? ?????????? ???
??? ??? WML ??? ?????? . ?????????? , ?????????? ??? ???? ???? ?????? ??????
????????? ??? ?????? ??? Lalib ??? ??? WML ?????? ??????.

29. ???' ??? ???? ???? ?????????? ? ?????????? ?????? ??????. ?????????? ???, ???
??? ?????? ?????????? , ?????????? , ?????? ??? ?????? ?????? ?????????? ??????????
??? Lalib ??? ??? WML. ??? ?????? ??? ?????? ??? ???? ???? ???? Lalib, ??? ? WML
???? ? ?????????? ??? WML ?????? ?? ?????. ?????????? , ? ??????????
????????? ???, ??? ?????? ??? ?????? ??? ?????????? ??? WML, ? ?????? ?????? ???
??? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????????? ??? ??? ??? ?????????? ??? ???? ???? ?????????? ?? ?????????? ??????????
????????? ??? ?????? ??? ?????? , ? ?????????? ??? ?????? ??? ???? ???? Lalib
????? ?????????? ??? ?????? ??? ?????? , ??? ?????? ??? ?????? ??? ?????? ?????? ??????
????? ?????????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????
????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????

30. ?????? ???, ??? ???? ?????????? ?????????? ?????????? , ? ??????????
??? ? ?????? ?????? ?????? ??? ???? ?????? ??? ?????????? ?????? ??? ???? ???? ???? ?
??? ?????????? ??? ???? ?????? (??? ???? Lalib ???? WML), ?????? ??? ??
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??
????????? ??? ?????? ?????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ??????

IV. ? ?????? ?????????? ?????? ??? ? ?????? ?????? ?????? ???

31. ??? ??? ?????????? ???, ?? F?városi Törvényszék (????????? ?????? ??????????)
????????? , ???) ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ??????
????? ??? ?????? ?? ?????? ?????? ?????? ?????? :

«1. ??? ???? 2, ?????? 1, ?????? ?, ?? ???? 24, ?????? 1, ??? ????
43 ??? ?????? 2006/112 ??? ?????? ??? ???? ?????? ??? ?????? -?????
????????? ?? ?????? ??? ?????? (????? ?????? ??? ?????? ?????, ???
?????????)- ??? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ???
????? ?????? , ?? ?????? ?? ??? ?????? ?? ?????? ???? ?????? ??? ?????? ???

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

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

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

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

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

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

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

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

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

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

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

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

????????????? ???? ????: i) ?? ?????????????? ?????????????? ?????????????? ???? ????
????????????? ???? ???? ?????? ?????? ????, ?? ???? ?????? ?????????? ???? ???? ?????? ????
??? ?????????????? ???? ?????????????? ???? ?????? ?????????? ???? ?????? ii) ??????????
????????????? ???? ?????? ???? ?????? ???? ?????????? ????, ???? ???? ?????????????? ????, ????

????? ?????? ?????? ?? ??????? ??? ? ??????? ??? ?????? ?????? ?????? ??? ??????? ??
????? ??????? ?? ?????? ??????? ??????? ??? ? ?????? ?? ?????? ??? ??????? ??
????? ?????? ??? ??????? ?????? ?????? ?????? ??????? ???, ??? ???? ?? ?????? ??
????? ?????? ??? ?????? ?????? ?????? ?????? ??????? ??? ?????? ?????? ?????? ??
????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ?????? ??????
????? iii) ? ?????? ?????? ?????? ??? ?? ?????? ?????? ?????? ?????? ?????? ??????
????? ??? ?? ?????? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?? ???
????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ?????? ?????? ??? ?? ???
????? ?????? ??? ?????? ??????;

2. ??? ?? ??? 2, ??????? 1, ??????? ?, ?? ??? 24, ??????? 1, ??? ?? ???
43 ??? ?????? ??? ?? ?????? ??? ? ?????????? ??? ?????????? –??????
????? ?????? ??? ?????? ?????? ?????– ?????? ??? ?????????? ?????? ??
????? ?????? ??? ?????? ?????? ??????, ?? ?????????? ?? ?????? ?????? ??
????? ?????? ?????? ?????? ?????? ?????? ?????? ??? ?????? ?????? ?????? ??
????? ??? ?? ?????? ?, ?? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??????
??? ?????? ?????? ?????? ?????? ??????, ?? ?????? ?????? ??? ?????? ???
????? ??????:

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

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

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

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

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

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

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

?????????;»

32. ??? ?????????? ??????? ?? ?????????? ?????????? ?????????? ?????????? ?????????? ?????????? ?
?????????????, ? ?????????? ?????? ?????????? , ? ?????????? ??? ? ?????????? ???????. ??
????????? ?????? ??? ? ?????????? ?????????? ?????????? ?????? ?? ?????? 76,
????????? 2, ??? ?????????? ?????????? ??????????.

V. ?????? ????????

? . ??? ??? ?????????????? ????????????

33. ?? ??? ????? ?????????????? ?????????? ?????????? ?? ?????? ?????????? ?????? ??? ??
?????? ??? ?????????????? ??? ?????? ?????????? . ??? ?????? ?????????? ?????????? ?
????????????? ??? ? ?????????? ?????????? ????? ?????????? ?????? ?? ??? ??? ??? ???
????????? ?? ?????????? ?????????? ??? ??? ?????????? ??? Lalib.

34. ????? ?????? ?????????? ?????????????? ??? ?????????? ?? ?????????? ?? ?????????? ??? ??
?? ????? ?????????? ??? ???, ??? ?????? ?? ?? ?????????? ?????? (????? 43, ??
????????? ?? ?? ????? 56, ?????????? 1, ???????? ???, ??? ?????? ???, ???, ???
?? 2009) ??? ??? ?????? ?? ??? ?????? (????? 44 ?? ?????? ???, ???, ???
????? ?? 2011) ????? ? ?????? ??? ? ?????? ?????? ??? ??? ??? ??? ?????????? ???
????????????? . ?? ?????? ??? ?????????? ??? ? Lalib, ? ?????? ?????? ?? ??? ?
????????? , ? ?????? ??? ?? ?????????? ??? ??? . ??, ?????????? , ?????????? ???
????????? ??? ?????? ?????? (????? ? WML), ????? ?????? ??? ??????????
????????? ??? ??? ?????? , ? ?????? ?????? ?? ?????? ??? ??? ??? ?????????? ???.

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

36. ??? ?????? ???, ?????? ?? ?????????? ?????????? ?????????? ?????? ??? ?????????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ?? ??? ?????? ?????? ??? ?????????? , ??????????
?? ?????????? ?? ??? ?????? ??? ?????? ??? ?????? ? ?????? ?????? ??? ?????????? ??? ??
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? , ?? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? , ??? ?????? ?????? ??? ?????? , ?????????? ???
«?????» ?????? ??? ?????? ??? ?????? (?????????????) ?????? , ??? ?????? ?????? ??????????
?? ?????? ?????? ?????????? ??? ?????? ?????????? ?????? ??? ?????? ??? ???
(«????????????? ??????»).

37. ???????, ?????, ??? ? ?????????? ?????? ?? ??? ?????????? ??? ?????? ??? ?????? ???
??? ??????? ?????? ??? ?????? «????????? ??????» ??? ??????????
????? ??? ??? WML ??? Lalib, ?? ?????? ?????????? ?????? ?????????????? ?? ???
(?????????) ?????????? ?????? ??? ?????????? ?????? ??? ?????? ?? ??? ?????? ???
????? ??? ??? ?????? ???.

38. ?????? , ?????? ??? ?????????? ?? ?????????? ?????? ??? ?????? ??????????

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

39. ??? ????? ?? ?????, ???' ?????, ?? ?????? ??????????? ?????? ?? ?? ????? 2, 24, 28 ???

?? ????? 43 ??., ??? ?? ?????? ?? ?????? 196 ??? ?????? ???, ??? ?????? ???, ???,

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

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

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

? ?????? ??????. ? ?????? ? ?????????? ?????? ?????????????? ?????????? ?????? ???

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

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

??? ??????????;

40. ?? ?????????? ??????? ?? ????????, ??? ??????????? ???????, ??????? ?????? ???

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

????????????? ??? ??????? ??, ??? ?? ?????? ??? ?? ?????????? 904/2010, ???????

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

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

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

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

????????? ??? ?????? ???.

41. ?????????? ?? ?????????? ?? ?????????? ?????? ???????????????, ?????? ???????????????, ?????? ???'

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

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

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

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

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

????? ??? ?????? ??? ?????????? ?????????? ??? (??????? ??? ?).

?.. ??? ?? ?????????????? ??? ?????? ??? ?????????? ??? ?????? ??? ?????????? ??? ????????????

42. ? ?????????? ??? «?????» ?????? ??? ?????????? ??????? ?????? ??? ?????????? ???.

????????? ??? ?? ?????? ?????????? ?????????? ???????????. ? ?????????? ???

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

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

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

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

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

????????? ??? ??? ?????? (9).

43. ????????, ??? ?? ?????? ?????????????? ?????????? ?????????? ????

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

? WML ??? ? Lalib ??????? ?????????? ?????????? ???, ???????, ??? ?? ?????? ???

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

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

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44. ????????, ??? ?? ?????? ?????????????? ?????????? ??? ?????????? ??? ?????? ???

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

??? ??? Lalib ?????????? ?????????????? ????????. ?????? ?????? ?????? ??????, ??????????

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

????????????? ?? ?????????? ?????????? ??? ?????.. ??? ? Lalib ??? ??? ? WML ????? ??

????????? ?? ?????????? ??? ?????????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????.. ???

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

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

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

?? ?????? ???.

45. ???????, ??? ?????? ?????? ?????? ?????????? ? ???????????, ?? ?????? ??? ????????

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

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

????? ??? ?????????? ??? ?????? ??? ??? ??? ?????? ?????????? ??? ?????? ???.

46. ??? ?????? ?????????? ??? ???????????, ?????? ??? ?????????? ??? ?????????? ???

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

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

????????????? ?????? (?? «?????» ?????? ?? ??????) (10). ?????? ?? ??? ??? ??????????

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

????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ?????? ??? ??? ???.

47. ???????, ??? ?????? ????????, ?????????? ??? ?????????? ??? ?????????????? ??????????

????? ??? ?????? ??? ?????? 2, ?????????? 1, ?????????? ?, ??? ?????? ???, ??? ??? ???

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

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

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

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

????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? (11).

48. ??? ?????? ??? ?????????????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????????,

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

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

????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??? ? Lalib. ????????,

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

????????? ? WML ??? ?????????? ??? ?????? ??? ?????? ??? ??????. ???????, ? ??????????

??? ??? ?????? ??? ?????? ??? ???????, ??? ?? ?????????? ??? ?????? ? Lalib, ?????? ? ??????

??? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ??????.

49. ? ??????? ???, ??? ???? ???? ???? ?????? ??? ?????? ???' ??? ???? ?

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

?? ?????? ??? ?????? 196 ??? ?????? ??? ???? ???? ?????? ??? ?????? ??? ?????? ???

????????? ??? ?????? ??? ??????.

50. ??? ???? ???? ???? 196 ??? ?????? ??? ?????? ??? ?????? ??? ?????????? ??? ?????????? ???

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

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

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

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

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

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

??? ?????????? ??? ?????? ??? ?????? ??? (12). ??? ???? ???? ???? ?????? ??? ?????? ???

??? ?????????? ??? ?????? 196 ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??? ???

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

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

????? ?? ??????? ?? ??????????? ?? ??????????? ?? ??????????? ?? ??????????? ?? ?????? (13).

51. ?????????????? ??? ?????????????? ?????????????? ??? ?????? ??? ????? ?????????????? ?? ????
? ?????? ?????????? ??????? ??? ?????? ??? ?????? ??????. ???????, ????, ?????????? ???
????????? ??? ?????????????? ?? ??? ?????? ?????????????? ?? ??????? ? ?????? ??? ?????????? ?,
?????? ?????? ?????? ??? ?????? ?????? ?????? ???, ?? ?????????? ?????? ??? ?? ???
?????????? ?????????? ?????? ?????? ?????????? ?? ?????????? ??? ?????? ??? ?????? ?/??/ ?? ??????????
???? ??? ??????? ????. ????, ???' ????, ?????? ?????? ?????? ??? ?????? ??? ?????????????? ???
????????? ??? ?????????? ??? ?????? ??? ?????????????? ??? ?????? ???.

? . ? ??????? ?? ???? ? ?????? ? ?????????????? ?????????? ?????? ???
????????????? ?? ???? ?? ???? ?????????? ?? ???? ??????

53. ????????, ??? ?????????????? ???, ???' ?????, ? ?????????????? ??? ??? ?????? ???
?????? ??????, ? ?????? ?????? ??? ??????????, ?????? ? ?????? ??? ?????????? ???
??? ?????? ??? ?????? ????. ?????????? ?? ?????????? ? ?????? ?????? ???
????????????? ?????????????? ?????????? ?????? ??? ?????? ??? ?????????? ???
(????? ???? ??? ?????? ?????? Lalib ??? WML).

1. ??? ??? ??????????? ??? ?????????? ?????????????? ????

54. ?????????????? ?? ??? ?????????? ?????? ??? ??????????????. ? ?????????? ??????, ? ??????
?????????????? ?? ??? ??? ?????????? ?????????????? ??????, ??? ??????? ?? ??? ??????????????
????? ??? ??? ?????? ?????????? ? ?????? ??? ?. ? ?????????? ?????? ?????? ?????????? ??? ???
??? ?????????? ?????? ?????? ??? WML ??? ??? Lalib ?????????? ??? ? WML
????????????? ??? ?????????? ??? ??? ?????????? ??? ??? ?????????? ??? ???, ????????, ?? ??????????
????????? ?????? ?????????? ?????? ?????????? ?????????? ?? ?????? ?????????? ?????? ??? WML
????? ???????. ????????, ??? ??? ??? ?????? ?????? ??? ?????? ??? ????????, ? ??????????????
??? «?????» ?????? ??? ?????????? ??? ?????????????? ??? ?????? ?????? ?????? ??? ?? ?? ?
????? ?????????? ??? ?????? ??? ?????? ?????? ??? WML ??? ??? Lalib ??????????????
?????????????.

55. ?????? ?? ??????, ?????? ??? ??????????? ??????, ??? ?? ?????? ?? ?????????????? ???
????????? ??? ?? ?????????? ??? ??????? ? ??????????????, ??? ?? ?????? ??? ??????????
??? ?????????? ??? ?????????? ?????????????? ?????????? Lalib (?? ? ?????????? ???
????????? ??? ?????? ??? ?????? ?????? ?????????? ??? ?????????? ??? ?????????? ???
????????? ???) ?? ?????????? ?? ??? ?????????????? ??? ?????????????? ??? ?????? ?? ??????
??? ??? ?????????? ??? ?????????? ??? ?????? ?????????? ?????????? ?????????? ??????????. ?? ???
?????????, ?? ??? ? ?????????? ?????????? ???, ?? ?????????? ?? ??? ?????????? ??? ??? ??
?????????, ?????? ??? ? Lalib ???? ??? ?????????? ??? ?????????????? ?? ??? WML ???
????????? ?????? ?????? ???.

2. ?????????????? ??? ?????????????? ??? ?????????? ??? ???

??? ????? ??? ??????? ?????????? ??????? ??? ?????? ?????, ??? ?????? ?????? ???????
??? ????????????, ? ???????, ??????, ?????????? ?????????????? ??? ??????? ?? ???????
?? ????? ?????????? ???, ????????, ??? ?? ?????????????? ?????? (????????????? ??????)
(16). ?? ?? ??? ????? ?????????? ?????????? ??? ?????? ??? ?????????? ?????? ??????
??? ?????? ????.

57. ???????, ?? ? ??????? ??????????? ???????????, ?? ?????? ???????, ?????? ??
 ??????? ?? ???????, ?? ??? ?????? ??????? ? ?? ??? ???????, ?????? ??
 ??????? ?? ?? ?????? ?????? ? ??????? ??? ??????????? ??? ?? ??? ?????? ? ?????? ???????
 ??????. ?????? ?? ? ??????? ??? ??????? ??? ??????? ??? ??????????? ??? ???????????
 ??????? ?????? ?? ??????????? ?????? ?? ??????????? ???, ?? ?? ??????, ? ?????? ???????
 ?????? ??????????? ?? ??? ?? ?????? ??? (?? ???????????, ?? ?????? ? ??? ???????????
 ??? ??, ??., ???, ??? 44 ??? ?????? ??? ???, ???????, ??? 45).

3. ?????????????? ??? ??????? ??? ??????? ??????????

58. ?????????????? ?????????? ??? ?????????? ?????????????? ?????????????? ?????? ??????????????, ??????????,
???? ??????? ??? ?????? ?????????????? ??? ?????????? ? ????. ?????? ?????? ? «????? ???
?????????????» (Abstraktionsprinzip), ? ?????? ?????????? ??? ?????????? ??? ??????????
?????????, ?????????? ??? ?? ??? ?????? ??? ?????????? ??? ?????? ? ?????????? ??? ??????????
????????????? ??? ?????? ?? ?????????? ??? ?????? («????????????????? ??? ??????????
??? ??????» (17)). ?????????? ?? ??? ??? ?????? ??????????, ??? ???' ?????????? ??? ??????,
?? ?????????? ?? ?????????????? ??? ?? «????????????? ??? ?????? ?????????? ???
?????» (18).

59. ???????, ?? ?? ??? «?????? ??????????????» ??? ??????? ??????? ?? ?????????? ?? ?????????? ??
????????? ? ????? ?????????? ??? ?????? ? ??????? ??????????, ?????????? ??
????????? ??? ??? ?????????? ?????????? ??? ?? ?????????? ??? ?????????? ??? ?????????? ????. ??
? ????? ?????? ??? ?????????? ?????????? ??? ?? ?????????? ??? ?????? ?????? (??
????????? ??? ?? ????? ?????????? ??? ??????), ? ??????? ?????????? ??????? ?? ???
?? ??? ?? ?????????? ??? ??????? ??? ???????.

60. ????????????????????, ? ?????? ?????????????? ?? ?????????? ??? ?????????????? (???)
???????????) ??????? ?????????? ??????????, ?????? ?? ??? ?????????????? ??? ?? ???
????????????? ? ??????. ??????????, ? ??????? ?????????? ??? ???, ???' ????, ????
????????? ? ?????? ??? ?????????? ??? ?????? ?????????????? ?? ?????? ??? ?????? ???
????????? ?? ??????. ?? ?? ??????, ?? ?????????????? ??? ??????, ???' ????, ??
????????? ?????????? ??? ??? ?????????? ??? ?????? ?????????? ??? ?????? ? ?????? ???
????????? ????. ? ?????????? ??? ?????????? ?????? ?????????? ??? ?????? ??? ?????? ???
????????? ?????? ??? ?????????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????????
???. ?????? ??? ?????????? ?????? ? ?????????????????? ??? ??? ? ?????? ?????? ???
????????? ?????? ????, ?????????? ??? ?? ?? ?????? ??? ??????????, ?????????? ?
??????.

4. ?????????????? ??? ?????????? ???? ?????????? ??????

61. ??????????????, ??? ?????????????? ??? 28 ??? ?????? ?????? ???, ? ??????
 ??? ?????????? ?????? ?? ?????? ??? ?????? ??????, ??? ?????? ?????????? ??????. ???????,
 ?? ?????? ?? ?????? ??? ?????? ?????? ?????????????? ??? ?????? ?????????????? ??????????
 ?????? ??? ?????? ??????????????????, ??? ?????? ?????? ?????? ??? ?????????? ??? ??? ?. ?
 ?????? ??? ?????????? ??? ?????? ?? ??? ?????? ??? ??????????, ??? ?? ?????? ??? ??????
 ??? ?????????? ?????? (??? ??????????, ??? ??????????).

62. ?? ?? ???????, ?????????? ???, ??????? ??, ??????? ?????? ???????, ???????, ???????
?? ??????? ??, ?????????? ??, ??, ??????? ?????? ???????, ?????????? ???????, ???????, ???????
??? ?????????? ??, ??, ?????????? ?????? ? Lalib. ???????, ?? ?? ? Lalib ??????????
??? ?????????? ??, ??????? ??, ??, ??????? ??, ??, ??????? ??????? ? ??, ??, ???????, ??, ??
????????? ?? WML, ????? ??' ????? ?????? ??????? ??????? ??, ??, ???????, ??, ??, ??, ??
????????? ??, ??????????. ???????, ??, ????? ??????? ??, ??????? ???????, ?????????? ??, ??, ??
?????????? ?? Lalib ????? ? ?????????? ??, ????? ??, ???????, ???????, ??, ?????????? ??????????
??, ??, ??, ??, ??, ?????????? ??, ?????????? ??, ??, WML ??, ??, Lalib.

5. ?????? ????????: ?????????????? ?????????? ?????????? ??? ?????? ???
?????????????

63. ?????????????? ?? ?????? ?? ??????? ?????????????????? ?????????????????? ?? ? ??????????
?????? ?????????? ??? ??????? ?? ??????? ?????? ?????? ??? Lalib, ??? WML ??? ??
????????????????? ?????????? ?? ?????????? ?? ???????, ?????????????? ?????????? ??????????????????
?????????. ???? ?? ??????? ?? ??? ?? ??? ?????????????? ??? ??????? ???????, ??? ??
????????????????? ?? ?????????? ??? ?????????? ??? ?? ?????????? ?? ??? ?? ?????? ??????????????
?? ?? ??? ??????????. ????????, ??? ?? ?????? ?????????????? ?????????? ??? ??????????
????????? ?????? ?????????????? ?????????? ??????????.

64. ????? ?????? ??????????? ??????? ?????????? ?????????????? ?????? ??? ??
????????? ??? ???? ?????? ???? ? Lalib ?????? ??????????, ??????? ??? ???????????, ???
????????? ?? ?????????? ??? ?????????????? ??? ???, ?? ??? ??????????????, ??? ?????????? ??
????????? ?????????? ?????????? ?? ?????? ?? ??? ?????????? ??????????
????????????? ??????????. ?????? ??? ? ?????????? ?????????? ?? ?????? ??? ??? ??????????
????????? ?????????? ??? ??? ?????????? ?????? ? Lalib. ? ?????? ?????? ???
????????? ?????????????? ??? ?????? ??????????

6. ?????????? ??????????

65. ??????? ??? ?????????? ?????????????? ??? ?????????? ??? ??? ??? ?????????????? ??? ???? ?
????????????????? ??? (Lalib). ?????? ?????????? ?????? ?????? ??? WML ??? ???
Lalib ??? ??? ??? ??? ??????. ????????, ??? ?????? ??? ?? ?????????? ??? ?
????????? ??? ?????? ??? ?????? ??? ?????????????? ??? ??? Lalib ??? ??????????????, ???
?????????, ?? ??? ?????? ?????????????? ??????????. ??????, ??????, ??? ??????????????
????? ??? ?????????? ?????? ?????????? ???, ??????, ? ?????? ??? ??????????
????? ?????????? ?????????? ??? ?????? ??????????.

? . ? ?????????????: ?????? ?????????????????? ?????? ?? ?????? ?? ??????????????????
????????????? ?? ???? ?????????? ?????? ?????? ?????????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ??? ???

1. ?????????? ??? ??????????

67. ??? ??????? ???? , ??? ? ?????????? ?? ?????????? ??? ? ?????????? ??? ? ?????????? ??? ? ???

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

68. ?? ?????? ??? ?????????? ??? ?????? ?? ?????????? ?? ??? ??? ??? ?????????????? ???
????????? ????. ????. ????, ??? ?????? ??? ?????, ??? ?????? ??? ?????? ?? ???????????, ? ????
?????????? ??? ?????????? ?????????? ?????????? ?????? ?????? ??? ?????? ??? ??? ??
?????????? ?????????? ??? ?????? ??? ?????? ?????? ??? ?????? ?????? ??? ??? (19). ?? ??????
????????????? ??? ??? ??? ?????????? ?????????? ??? ?????? ?????? ??? ?????????? ??? ??? ??????
??????? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ?????? ??? ?????????? ??? ??? (20).

69. ??? ??? ?? ?????????? ??? ?????????? ?????????? ?????????? ?????????? ?????????? ???
?????? ?? ?? ??? ?? ?????????? ?? ?????????? ??? ??? ??? ?????? ?????? ??????????.

2. ?????? ?????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????????? ????

70. T? ?????????? ??? ?????? ?????? ?????????? ??? ?? ?????? ?????? ??? ?????????? ???
??? ??? ??? ?????? ?? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ???
??? (21). ? ?? ??? ?????? «????????????? ??? ?????? ?????? ??????????????» ?? ?????????? ???
????? ??? ?????????? ??? ?????? ??? ?????? ??? ??????, ?? ?????? ?????????? ??? ???
????????? ??? ??? ?????????? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???.

71. ?? ??? ?????? ??? ?????? 904/2010 ?????????? ??? ? ?????????? ???
?????? ?????? ?????????? ?? ?????? ?????? ?????? ?????? ?????? ?????????? ??? ?????? ??????????
????? ??? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ??????, ? ?????? ???
????????, ??? ?? ?????????? ?? ? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??????
????? (22), ??? ?????????? ?? ?????????? ??? ?????????? ??? ??????.

72. ?????? ?? ?????, ??? ?????????? ??? ?????? ??? ?????? ?? ?????????? ?????????? ???
????? ?????????? ?? ??? ?????? ?????? ?????? ??? ?????? ?????????? ?? ?????????? ???
????????? ?? ??? ?????? ?????, ??? ?????? ?? ?????? ??????, ? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ???,
????????? ??? ?????? ?????? ?????? ?????? ?????????? ?????? (23). ?? ??? ?? ??????, ??
????????? ?????? ??? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ?????? ??? ??????.

3. ?????????? ?????? ??? ?????? ?????? ??? ?????? ??? ?????? ??? ??????

73. ??? ?????? ??? ? ?????? ?????? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ??? ??????, ? ??? ?????? ????. ? ?????? ??? ?????? ??? ?????? ???
????????? ?? ?? ?????? ??? ?????? ??? ???????????. ? ?????? ??? ?????? ??? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ?????????? ?????? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ???.

74. ?????? ? ?????????? ??? ?????? ?????? ?? ??? ?????? ?? ?????? ?????? ?????? ???
??????, ?? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ???????. ??, ???, ???
??? ?????? ?????? ?????? ? ?????, ?? ?????? ?? ?????? ?????? ??? ?????? ??? ?????? ???
????????? ?????? ?????? ?????? ?, ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ??? ?????? ?. ??
????????? -???? ?????? ?????? ??? ?????? ??? ?????? ?????? ?????? ?????? ?????? ?????? ??? ??
????????? - ??? ? ??? ?????? ??? ?????? ?????? ?? ??? ?????? ?????? ?????? ?????? ??? ?????? ???
????????? ??? ?????? ?????? ??? ?????? ?????? ??? ??????.

????? ??????????, ?? ??????? ??? ?????????? ?????? ?? ?????????????? ?? ?????? ?????? ??????
????? ??????? ?? ?????? ??? ?????? ??? ?????? ?????? ?????? ?? ?????????? ?? ?????? ??
????????? ?? ?????? ??? ??????????? ?? ?????? ?????????? ?????? ?????? ?????? ?? ?????????? ??
????? ??? ??????, ??? ?????? ?????? ?????????? ??? ?? ?????????? ?????? ??????, ?? ??????
????? ?????? ???????????, ???' ?????, ?? ?????????? ?????? ?????? ??? ?????????? ??
????? ??? ?????? ??? ?????? ??? ?????? (24).

4. ?????????? ?????????? ??? ?????????? ?????????????? ?? ?????????? ???

75. ??, ??????, ? ?????? ??? ?????? ?????????? ?????? ?? ?????? ?? ?????? ?? ??????
????? ?????????? ?????? ?????? ?????? ?????? ?????????? (?? ??????????, ??????
????????????? ??????????), ? ???? ??? ?????????? ??? ?????????????? ?????? ?? ?????? ?
????????? ??? ?????? ??? ?????? ??? ?????????? ?????????? ?????????? ?????????? ??????????
??? ?????? ??????????. ?? ?????????? ??? ?????? ?????????? ?????????? ??? ?????? ??????????
??? ??? ?????????? ??? ?????? ??? ?????? ?????? ???, ?? ?????????? ?? ?????????? ??
????????? ??? ?????????? ??? ?????? ??????????.

76. ? ?? ??? ?????? ?????? ?????????? ??? ?????? ?????? ??? ?????? ?? ?????? ??
??? (??.. ?????? 68 ??? ?????? ?????????). ???????, ??? ?????? ?? ?????????? ???
????????? ??????????, ?? ?????????? ??? ?????????????? ?????? ???, ??????????
????????????? ??? ?????? ??? ??????, ?? ?????? ??? ?????? ??? ?????????? ?? ??????????????,
?????????????, ????, ?? ?????????? ??? ?????? ??????????, ?? ?????? ??? ??????????
????????? ??? ?????????? ?????????? ??? ?????? ?????? ?????? (25). ????, ???, ??? ??
????? ?????????? ??? ?? ?????????????? ??? ?????????? ?????????? ??? ?????? ?????? ???,
????????? ??? ??? ?????????????? ?????????? ?????????? ??? ?????? ?????? ????. ?? ??????????
????? ?????? ?????????? ??? ?????? ??? ?????????? ???.

77. ???????, ? ?????? ?????????? ??? ?????????? ??? ?????? ?? ?????? (?? ??????????)
????? ?????? ???) ?????? ?? ?????????? ?????????? ??? ?????????? ??? (??.
????? 15, 16 ??? 17 ???) ??? ?????? ?????????? ??? ?????? ??? ?????? ??? ?????? (26).
?????????, ??? ?????? ?????? ??? ?????? ?????????? ?????????? ??? ?????? ???
????????? ?????? ??? ?????? ??? ?????? ?????????? ??? ?????? ?????? ??? ?????? ???
????? ?????? ??????.

78. ?? ??????????, ? ???? ?? ?????? ?????????? ??? ?????? ?? ?????? ?? ?????? ??
????????? ?? ?????? ?? ?????????? ??? ?????? ?? ?????? ?? ?????????? ?? ?????? ??
????????? ??? ?????? ?????????? ??? ?????? ?? ?????????? ??? ?????? ?? ?????? ??
????? ? ?????? ?????????? ?? ?????????? ?????? ??? ?????? ?? ?????? ?? ?????? ??
??? ?????? ?????????? ?????? ??? ?????? ???' ??????, ?? ?????? ?? ?????? ?? ?????? ??
????????? ??? ?????????? ?????????? ???, ?????? ??? ?????? ??? ?????? ??? ?????? ??
????????? ??? ?????????? ??? ??????????.

79. ?? ?????????? ???? ?? ?????? ?? ?????? ?? ?????? ?????????? ?????????? ??
????????? ???? ???' ???? ??? ?????? ?? ?????? ?? ?????????? ?????????? ?? ?????? ??
?????????, ?? ?????????? ???? ?? ?????? de facto ?? ?????? ?? ?????? ??
????????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????? ? ?????? ?????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? «?? ?????? 5,
????????? 1, ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ?? ?????? ??
????????? ?????? ??? ?????? ?????? ?????? ?? leasing ??? ?????? ??? ?????? ??
????? ?????? ??? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? leasing
????????? ?? ?????? ?????? ?????? ?? ?????? ?? ?????? ?? ?????? ??

????????????????? ??? ????? ??? ??? ?????????? ??? ?????? ?????? ??????» (28). ?
????????? ??? ????? ??? ????? ?????? ??? ????? ?????? ?????? ?????? ?????? ??????
?? ??????????, ??? ?????? ??? ?? ?????? ??????????

80. ??????, ?? ?????????? ?? ??????? ?? ?????? ?? ?????? ?????????????? ??????????
??????, ??? ?????, ??? ?????????????? ?????????? ?? ?????? ???????????,
????????? ?? ?????????????? ??? ?????? ?? ?????? ?????? ??? ?????? ??????????
????????? ?????? ???' ?????? ??? ?????? ?????????? ??? ??? ?? ??? ??????
904/2010 ?????????? ??? ?????? ??? ? ?????????? ?????????? ?????????? ???, ??? ?? ???
????????? ??? (????? 398 ??? ?????? ????) ? ?????????? ?????????? ??????????.

VI. ??????

81. ?? ?? ??????, ??????? ??? ?????????? ?? ?????????? ??? ?????????? ??????????
??? ??????? ?? F?városi Törvényszék (????????? ?????????? ??????????-?????????,
??????) ?? ???:

1. ? ??????? ??? ??? ??????? ??? ?????? ?????? ?????? ??? ?????????? ?????? ??
??????????????, ?? ?????? ??? ?????? ??? ???????, ??????? ?? ?????? ??????????
?????? ??? ??? ?????? ??????? ?? ?????? ??? ?????? ??? ??????? ?? ?????? ??????????
?????????. ? ?????? ??? ?????? ?????? ???????????, ? ?????? ??? ?????? ??? ?????? ???
?????? ??? ??? ?????, ??? ?????? ?????? ?? ??? ?????? ?????????? ??? ?????? ???
????????? ??? ??? ?????? ???????.

2. ? ??? ???? ?????????????? ??? ??????? ??? ?????? ??? ???? 904/2010,
????????????? ??? ?????? ??? ?????? ??? ?????????? ?????????????? ??? ???????????, ???????????
??? ?????? ??????? ??? ??? ?????? ??? ?????? ??? ?????????? ?????? ????. ?? ? ????
????????? ?????? ??? ?????????? ??? ?????????? ?????? ??? ?????????? ?????????? ??? ??
????? ??? ??? ?????????? ?? ?????? ?????? ???, ? ?????? ?????? ?????? ??? ??
????????? ?? ?? ?????? ??? ?? ??????????.

1 ?????? ??? ??????????: ? ??????????.

2 ???., ??????, ??????? ??? 23? ?????? 2017, Di Maura (C?246/16,
EU:C:2017:887, ??? 23), ??? 21? ?????? 2008, Netto Supermarkt (C?271/06,
EU:C:2008:105, ??? 21), ??? ??? 20?? ??????1993, Balocchi (C?10/92, EU:C:1993:846,
????? 25).

3 ?????? 2006/112/?? ??? ??????????, ??? 28? ?????? 2006 (EE 2006, L 347, ?. 1).

4 ??? ?????? ??? ?????? ?????? ?????????? ?????????? ?? ??? ?????? 2009/69/?? ???
??????????, ??? 25? ?????? 2009 (?? 2009, L 175, ?. 12).

5 ??? ?????? ??? ?????? ?????? ?????? ?????????? ?????????? ?? ??? ?????? 2010/88/?? ???
??????????, ??? 7? ?????? 2010 (?? 2010, L 326, ?. 1).

6 ?????? 2008/8/?? ??? ??????????, ??? 12? ?????? 2008, ??? ??? ??????????
??? ?????? 2006/112/?? ?????? ?? ??? ?????? ?????? ??? ?????? (?? 2008, L 44, ?. 11).

7 ?????????? ??? ??????????, ??? 7? ?????? 2010, ??? ?? ?????????? ??????????
??? ??? ?????????? ??? ?????? ?????? ??? ?????? ?????? ?????? (?? 2010, L
268, ?. 1).

- 8 ??????? ??? 17?? ?????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832).
- 9 ??????? ??? 22?? ?????????? 2017, Cussens ??. (C?251/16, EU:C:2017:881, ????? 46), ??? 17?? ?????????? 2015, WebMindLicenses (C?419/14, EU:C:2015:832, ????? 52), ??? 21?? ?????????? 2006, Halifax ??. (C?255/02, EU:C:2006:121, ????? 98).
- 10 ??????? ??? 16?? ?????????? 2014, Welmory (C?605/12, EU:C:2014:2298, ????? 42), ??? ?? 26?? ?????????? 2012, ADV Allround (C?218/10, EU:C:2012:35, ????? 27 ??? ??? ?????????????? ?????????). ??? ??? ??????, ??????? ??? 18?? ?????? 2020, KrakVet Marek Batko (C?276/18, EU:C:2020:485, ????? 42).
- 11 ??????? ??? 16?? ?????????? 2021, Balgarska natsionalna televizia (C?21/20, EU:C:2021:743, ????? 31). ???., ??? ?? ??? ?????, ?????????? ??? 22?? ?????????? 2018, MEO – Serviços de Comunicações e Multimédia (C?295/17, EU:C:2018:942, ????? 39), ??? ?? 22?? ?????? 2016, ?eský rozhlas (C?11/15, EU:C:2016:470, ?????? 21 ??? 22).
- 12 ??? ??? ?????? ??? ?? ?????????? ??? 26?? ?????????? 2017, Farkas (C?564/15, EU:C:2017:302, ????? 24), ??? ??? 13?? ?????? 2013, Promociones y Construcciones BJ 200 (C?125/12, EU:C:2013:392, ????? 28), ?? ?????? ?????????????? ?????????? ??? ?????? 199 ??? ?????? ??? ???.
- 13 ??????? ??? 6?? ?????????? 2011, Stoppelkamp (C?421/10, EU:C:2011:640, ????? 33), ??? ???????? ?? ??? 21, ?????????? 1, ???????? ??, ??? ?????? ??????? ??.
- 14 ??????? ??? 6?? ?????? 2006, Kittel ??? Recolta Recycling (C?439/04 ??? C?440/04, EU:C:2006:446, ????? 50 – ? ??? ?? ?????????? ?????????????? ?????????????? ??? ?????????? ??? ?????????? ?????????????? ?????? ??? ?????????? ?????????????? ??? ?????????? 2000, Salumets ??. (C?455/98, EU:C:2000:352, ????? 19), ??? ??? 29?? ?????? 1999, Coffeeshop «Siberië» (C?158/98, EU:C:1999:334, ?????? 14 ??? 21). ??? ??? ?????????? ???. ?????????? ??? 6?? ?????????? 1990, Witzemann (C?343/89, EU:C:1990:445), ??? ??? 5?? ?????? 1988, Vereniging Happy Family Rustenburgerstraat (289/86, EU:C:1988:360, ????? 20).
- 15 ??????? ??? 21?? ?????????? 2013, Žamberk (C?18/12, EU:C:2013:95, ????? 36), ??? 27?? ?????????? 2007, Teleos ??. (C?409/04, EU:C:2007:548, ????? 39), ??? 9?? ?????? 2001, Cantor Fitzgerald International (C?108/99, EU:C:2001:526, ????? 33), ??? ??? 6?? ?????? 1995, BLP Group (C?4/94, EU:C:1995:107, ????? 24).
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