

Court of Justice EU, 18 January 2024, HP v Senetic



**TRADE MARK LAW – EXHAUSTION –
SELECTIVE DISTRIBUTION**

Free movement of goods precludes that the burden of proof concerning exhaustion of the right conferred by a Union trade mark rests solely on the defendant in the infringement proceedings where

- *- the goods bearing that mark - which are not labelled in such a way as to enable third parties to identify the target market and which are distributed through a selective distribution network whose members may resell those goods only to other members of that network or to end users - were purchased by that defendant in the Union or in the EEA after the sellers had given an assurance that those goods could be lawfully placed on the market there, and the trade mark proprietor refused to carry out that verification himself at the request of the purchaser.*

Vindplaatsen: [ECLI:EU:C:2024:61](#)

Court of Justice EU, 18 January 2024

(M. Ilešič (rapporteur), I. Jarukaitis en D. Gratsias)

JUDGMENT OF THE COURT (Tenth Chamber)

17 November 2022 (*)

[unavailable in English translation. April 2024]