

# eBay wins preliminary EU court backing in L'Oreal fight

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A picture of the eBay logo. The US online auction site won preliminary backing from Europe's highest court Thursday in a copyright battle with French cosmetics giant L'Oreal.

US online auction site eBay won preliminary backing from Europe's highest court Thursday in a copyright battle with French cosmetics giant L'Oreal.

European Court of Justice (ECJ) advocate general Niilo Jaaskinen said [eBay](#) could not be held responsible for [copyright infringement](#) unless expressly notified of fraud.

The website could only be found guilty if an infraction had been notified and it failed to act if the seller of [counterfeit goods](#) repeated the copyright infringement.

L'Oreal lost in a similar bid to sue the eBay in a British court last year.

The advocate general's opinion is not binding on the Luxembourg-based court, but is followed in 80 percent of cases when it comes to a formal ruling.

Both L'Oreal and eBay said they were satisfied with the conclusions.

In 2007 L'Oreal took eBay to court in Belgium, Britain, France, Germany and Spain claiming the site sold fake perfumes and cosmetics.

"A judicial injunction could be brought against the manager of an [electronic marketplace](#) in order to prevent the pursuit or repetition of the infraction," the advocate general said.

L'Oreal said Jaaskinen's ideas "go in the direction of an efficient fight against the sale of fake brands on the Internet."

eBay's communications director Steve Milton said the site was "encouraged that the ECJ's final judgment will reinforce European consumers' freedom to buy and sell authentic goods online."

In a statement issued after the May 2009 London ruling, eBay cited 2008 figures to say it hosted 2.7 billion listings globally and "only 0.15 percent of them were identified as potentially counterfeit."

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