

2. In answering Question 1, is it also relevant whether the trade mark holder has an even earlier right (recognised by the laws of the Member State in question) in relation to the sign registered as a trade mark and, if so, is it relevant whether the trade mark holder may, on the basis of that even earlier recognised right, prohibit the use by the third party of the alleged 'earlier right'?

(¹) Directive of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ 2008 L 299, p. 25).

Request for a preliminary ruling from the Hof van beroep te Brussel (Belgium) lodged on 2 March 2021 — Proximus NV v Gegevensbeschermingsautoriteit

(Case C-129/21)

(2021/C 189/12)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

Appellant: Proximus NV

Respondent: Gegevensbeschermingsautoriteit

Questions referred

1. Must Article 12[(2)] of Directive 2002/58,⁽¹⁾ read in conjunction with Article 2[(f)] thereof and Article 95 of the General Data Protection Regulation⁽²⁾ be interpreted as permitting a national supervisory authority to require a subscriber's 'consent' within the meaning of the General Data Protection Regulation as the basis for the publication of the subscriber's personal data in public directories and directory enquiry services, published both by the operator itself and by third-party providers, in the absence of national legislation to the contrary?
2. Must the right to erasure contained in Article 17 of the General Data Protection Regulation be interpreted as precluding a national supervisory authority from categorising a request by a subscriber to be removed from public directories and directory enquiry services as a request for erasure within the meaning of Article 17 of the General Data Protection Regulation?
3. Must Article 24 and Article 5[(2)] of the General Data Protection Regulation be interpreted as precluding a national supervisory authority from concluding from the obligation of accountability laid down therein that the controller must take appropriate technical and organisational measures to inform third-party controllers, namely, the telephone service provider and other providers of directories and directory enquiry services which have received data from that first controller, of the withdrawal of the data subject's consent in accordance with Article 6 in conjunction with Article 7 of the General Data Protection Regulation?
4. Must Article 17[(2)] of the General Data Protection Regulation be interpreted as precluding a national supervisory authority from ordering a provider of public directories and directory enquiry services which has been requested to cease disclosing data relating to an individual to take reasonable steps to inform search engines of that request for erasure?

(¹) Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (OJ 2002 L 201, p. 37).

(²) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).
