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Judgment of the Court in Case C-232/25 | [Idziski] ¹

The Court of Justice provides guidance on the rules of jurisdiction in cases of breach of personality rights resulting from the broadcast of a television series in several Member States and on the internet

A former member of a clandestine Polish military organisation active during the Second World War and an association bringing together veterans of that unit brought proceedings before the Polish courts against the German co-producers of a television series broadcast in several Member States and available on the internet.

Taking the view that certain scenes in the series breach their personality rights by portraying the soldiers of that military unit as anti-Semitic and complicit in the Holocaust, they seek, *inter alia*, an apology to be issued on the television channels and websites concerned and an award of compensation for the non-material damage which the former soldier claims to have suffered.

Against that background, the Polish Supreme Court has asked the Court of Justice whether the Polish courts have jurisdiction ² to hear an action seeking compensation for the entirety of the damage suffered as a result of the series being broadcast in several Member States, both on television and online.

The Court's answer is that **natural or legal persons who consider that their rights have been breached by content broadcast on television ³ cannot bring proceedings before the courts of the Member State in which their centre of interests is located ⁴ in order to secure compensation for the entirety of the alleged damage.** They may bring proceedings before the courts of each Member State in which the programme was broadcast and where they consider their reputation to have been harmed. However, the jurisdiction of those courts is circumscribed to actions seeking compensation solely for the damage caused in the Member State concerned.

Compensation for the entirety of the damage may, however, be sought before the courts of the Member State in which the defendant is domiciled or in which the producers in the series are established. ⁵

As regards audiovisual content broadcast on the internet, the Court points out that the courts of the Member State in which the centre of interests of the natural or legal person who has allegedly suffered damage is located may hear an action seeking **compensation for the entirety of the alleged damage only if that content makes it possible to identify, directly or indirectly, that person as an individual.**

That criterion does not appear to be met in the case of the former soldier of the military unit in question, as the series does not allow him to be identified, even indirectly, as an individual. The fact that he was once a member of that unit is not sufficient in that respect.

The situation is different as regards the association whose principal purpose is to defend the dignity and memory of that military unit and of its members. According to the Court, that association may bring proceedings before the courts of the Member State in which its centre of interests is located in order to seek **compensation for the entirety of the alleged damage**, provided that the audiovisual content broadcast online specifically targets that unit and allows it to be directly

identified.

Furthermore, the Court makes clear that the courts of a Member State with jurisdiction to rule solely on the damage suffered within their territory may hear actions seeking both compensation for non-material damage and an order to cease or prevent the breach of personality rights, provided that those actions are limited to the territory of that Member State. However, those courts do not have jurisdiction to order the rectification of the information in that series placed online.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of European Union law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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¹ The name of the present case is a fictitious name. It does not correspond to the real name of any party to the proceedings.

² Within the meaning of Article 5(3) of [Council Regulation \(EC\) No 44/2001](#) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which applies to the proceedings before the Polish courts and which is equivalent to Article 7(2) of [Regulation \(EU\) No 1215/2012](#) of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

³ According to the Court, the television broadcast of content in several Member States must be distinguished from the dissemination of such content on the internet. The placing online of content on a website is to be distinguished, generally, from the regionalised distribution of media in that it is intended, in principle, to ensure the ubiquity of that content. Such content may, theoretically, be consulted instantly by an unlimited number of users throughout the world. By contrast, television broadcasting is not, as a rule, available to the same extent, but is regionalised, limited to the geographical area in which the television signal is received.

⁴ In other words, in the circumstances of the case giving rise to the questions referred for a preliminary ruling, in Poland.

⁵ In other words, in the circumstances of the case giving rise to the questions referred for a preliminary ruling, in Germany.