

[FR] Meta ordered to implement filtering measures for false advertising for online gambling using the "Barrière" trademark

IRIS 2026-3:1/16

*Amélie Blocman
Légipresse*

The *Barrière* group brought an action before the criminal court after it observed that a large number of advertisements (more than 2 400) were being diffused on Meta's Facebook and Instagram networks, reproducing its EU semi-figurative and word marks without its authorisation in order to promote an online casino games application, which is illegal in France. Some of the advertisements showed the front of its casinos. The judge at the Paris judicial court ordered Meta to implement measures to filter out false advertising reproducing the group's trademarks, and to retain data essential for identifying the associated account holders. In a summary order, the judge declared that Meta was not entitled to apply for the order to be declared null and void and withdrawn. The company appealed.

Meta argued that there were no circumstances in this case that justified departing from the principle of adversarial proceedings, and that mere urgency was not a sufficient reason to resort to a petition-based procedure. The court pointed out that, pursuant to Article L.716-4-6 of the French Intellectual Property Code, urgency alone could justify the absence of adversarial proceedings. Meta did not dispute that it was already aware of the unlawful activities, having been informed of them in December by the national gambling authority (*Autorité Nationale des Jeux*), leaving *Barrière* and consumers exposed to the risk of further large-scale fraud through new false advertisements. At the time of the referral, illegal advertising was still being carried out despite the warnings as part of a massive campaign likely to cause irreparable damage both to the brands (reputational damage, association with an illegal activity) and to consumers. In the court's view, this situation justified a waiver of the principle of adversarial proceedings under Article L.716-4-6 of the French Intellectual Property Code. Meta's request for revocation on this count was therefore rejected.

The court then noted that Meta was an "intermediary" within the meaning of Article L.716-4-6 of the Intellectual Property Code and Directive 2004/48/EC (IPRED). Indeed, its services were used by infringers, which meant that Meta could be ordered to stop or prevent infringements regardless of its possible liability and without it being necessary to decide whether it was a host or a publisher.

To challenge the legality of the injunction, Meta invoked Article 15 of the e-Commerce Directive and Article 8 of the Digital Services Act relating to the prohibition of a general monitoring obligation for platforms. The court noted that "gambling activities" were excluded from the scope of the e-Commerce Directive. Such activities included advertising for gambling services, which was only one of the practical ways in which they were organised and operated. Consequently, it held that the aforementioned provisions were not applicable to the dispute. The prohibition of a general monitoring obligation could not therefore be invoked by Meta in this context.

The court upheld the injunctions issued against Meta, which were not limited to removing the disputed advertisements, but also required it to take measures to prevent their reappearance, in particular through filtering, provided such measures were targeted, proportionate and clearly defined. The order was confirmed in its entirety.

Paris, pôle 5 - ch. 1, 28 janvier 2026, n°24/12568 - Meta Platforms Ireland Limited c/ Groupe Lucien Barrière

<https://www.courdecassation.fr/decision/697db1e7cdc6046d475d3c30>

Paris appeal court, division 5, chamber 1, 28 January 2026, no. 24/12568 - Meta Platforms Ireland Limited v Groupe Lucien Barrière

