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Austria: 4 Ob 41/15f, Supreme Court of Justice of Austria, 16 June 2015

Valerie Eder (Gassauer-Fleissner) · Wednesday, January 13th, 2016

The Supreme Court stated that decisions dismissing a request for a stay of proceedings that are within the discretion of the court can generally not be contested according to section 192(2) Austrian Code of Civil Procedure (“ACCP”). This general rule does not apply in cases where the law imposes a mandatory stay of the proceedings. Therefore, the dismissal of the first instance court of the request for staying the proceedings by the defendant can be appealed.

A [full summary](#) of this case has been published on [Kluwer IP Law](#).

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