

Request for a preliminary ruling from the Benelux Gerechtshof lodged on 13 April 2015 — Montis Design BV v Goossens Meubelen BV

(Case C-169/15)

(2015/C 228/04)

Language of the case: Dutch

Referring court

Benelux Gerechtshof

Parties to the main proceedings

Applicant: Montis Design BV

Defendant: Goossens Meubelen BV

Questions referred

1) Is the term of protection referred to in Article 10, in conjunction with Article 13(1), of Directive 93/98/EEC (the Term of Protection Directive) ⁽¹⁾ applicable to rights of copyright that were originally protected by national copyright law but which lapsed before 1 July 1995 on the ground that a formal condition had not been satisfied (in due time), more specifically because a maintenance declaration, as referred to in Article 21(3) of the Uniform Benelux Law on Designs and Models (old version), had not been filed (in due time)?

2) If the answer to Question 1 is in the affirmative:

Must the Term of Protection Directive be construed as precluding a rule of national legislation under which the copyright in a work of applied art that lapsed before 1 July 1995 on the ground that a formal condition had not been satisfied is deemed to have lapsed permanently?

3) If the answer to Question 2 is in the affirmative:

If, under national legislation, the copyright in question is to be considered to revive or to be revived at a certain time, from what date does such revival occur?

⁽¹⁾ Council Directive 93/98/EEC of 29 October 1993 harmonising the term of protection of copyright and certain related rights (OJ 1993 L 290, p. 9), now Directive 2006/116/EC of the European Parliament and of the Council of 12 December 2006 on the terms of protection of copyright and certain related rights (codified version) (OJ 2006 L 372, p. 12).

Request for a preliminary ruling from the Fővárosi Törvényszék (Hungary) lodged on 21 April 2015 — Daimler AG v Együd Garage Gépjárműjavító és Értékesítő Kft.

(Case C-179/15)

(2015/C 228/05)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék

Parties to the main proceedings

Applicant: Daimler AG

Defendant: Együd Garage Gépjárműjavító és Értékesítő Kft.

Question referred

Must Article 5(1)(b) of First Council Directive 89/104/EEC⁽¹⁾ of 21 December 1988 to approximate the laws of the Member States relating to trade marks be interpreted as meaning that the trade mark proprietor is entitled to take action against a third party named in an advertisement on the internet, which features a sign likely to be confused with the trade mark, referring to a service of that third party identical to the goods or services for which the trade mark is registered, in such a way that the public might be given the mistaken impression that there is an official commercial relationship between the undertaking of that third party and the trade mark proprietor, even though the advertisement was not placed on the internet by the person featuring in it or on his behalf, and it is possible to access that advertisement on the internet despite the fact that the person named in it took all reasonable steps to have it removed, but did not succeed in doing so?

⁽¹⁾ First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks (OJ 1989 L 40, p. 1).

**Request for a preliminary ruling from the Consiglio di Stato (Italy) lodged on 24 April 2015 —
Istituto di Ricovero e Cura a Carattere Scientifico (IRCCS) — Fondazione Santa Lucia v Cassa
conguaglio per il settore elettrico and Others**

(Case C-189/15)

(2015/C 228/06)

Language of the case: Italian

Referring court

Consiglio di Stato

Parties to the main proceedings

Applicant: Istituto di Ricovero e Cura a Carattere Scientifico (IRCCS) — Fondazione Santa Lucia

Defendants: Cassa conguaglio per il settore elettrico, Ministero dello Sviluppo economico, Ministero dell'Economia e delle Finanze, Autorità per l'energia elettrica e il gas

Questions referred

1) Do Italian rules (such as those at issue in the main proceedings) which, first, include a definition of 'energy-intensive businesses' in line with the Directive and, secondly, grant companies of this type payment incentives covering general electricity charges (and not incentives relating to taxation of energy products and electricity as such) fall within the scope of Directive 2003/96/EC⁽¹⁾?

If so:

2) Does EU law, and in particular Articles 11 and 17 of Directive 2003/96/EC, preclude a regulatory and administrative system (such as that in force in Italian law and described in the present order) which, first, opts to introduce a system of concessions on the consumption of energy products (electricity) by 'energy-intensive businesses' within the meaning of the above-mentioned Article 17 and, secondly, restricts the possibility of benefitting from those concessions to 'energy-intensive' businesses operating in the manufacturing sector only, thereby excluding businesses operating in other production sectors?

⁽¹⁾ Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ 2003 L 283, p. 51).