

Pleas in law and main arguments

The appellant maintains that the General Court erred in law in its interpretation of Article 47 of Community Trade Mark Regulation (EC) No 207/2009 ⁽¹⁾, ('CTMR'). In particular, it erred in holding that Article 47 does not permit sequential requests for renewal. Incidental to its erroneous interpretation of Art 47 CTMR the General Court erred in its interpretation of Art 48 CTMR in holding that it applied only to the sign of the Community Trade Mark.

- a. The interpretation of Art 47(3) by the General Court is inconsistent.
- b. The interpretation of Art 47(3) by the General Court calls for *de facto* surrender of part of the mark in terms contrary to those provided for under Art 50 CTMR.
- c. The requirement for legal certainty called for by the General Court arises from the actions taken by OHIM. It is not inherent to the interpretation of Art 47(3) given by the General Court and legal certainty is equally possible under the Appellant's interpretation. In the present case, the actions of OHIM were carried out on the basis that the mark had been surrendered, which the General Court held was an error of law.
- d. The interpretation of Art 47(3) advanced by the Appellant is not precluded by the wording of the Article.
- e. The interpretation of Art 48 wrongly concludes that Article is concerned only with the sign of which the Community trade mark is composed.

⁽¹⁾ Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark
OJ L 78, p. 1

**Request for a preliminary ruling from the Tribunalul Mureș (Romania) lodged on 8 May 2015 —
ENEFI Energiahatekonysági Nyrt v Direcția Generală Regională a Finanțelor Publice (DGRFP) Brașov
— Administrația Județeană a Finanțelor Publice Mureș**

(Case C-212/15)

(2015/C 262/05)

Language of the case: Romanian

Referring court

Tribunalul Mureș

Parties to the main proceedings

Appellant: ENEFI Energiahatekonysági Nyrt

Respondent: Direcția Generală Regională a Finanțelor Publice (DGRFP) Brașov

Questions referred

- 1) For the interpretation of Article 4(1) and Article 4(2)(f) and (k) of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings ⁽¹⁾, may the effects of the insolvency proceedings governed by the law of the State in which proceedings are opened include forfeiture of the right of a creditor, which has not taken part in the insolvency proceedings, to pursue its claim in another Member State or suspension of the enforcement of that claim in that other Member State?

- 2) Is it relevant that the claim pursued by means of enforcement in a Member State other than the State in which the proceedings are opened is a fiscal claim?

⁽¹⁾ OJ 2000 L 160, p. 1.

Request for a preliminary ruling from the Tribunale ordinario di Campobasso (Italy) lodged on 11 May 2015 — Criminal proceedings against Gianpaolo Paoletti and Others

(Case C-218/15)

(2015/C 262/06)

Language of the case: Italian

Referring court

Tribunale ordinario di Campobasso

Party/parties to the main proceedings

Gianpaolo Paoletti, Umberto Castaldi, Domenico Faricelli, Antonio Angelucci, Mauro Angelucci, Antonio D'Ovidio, Camillo Volpe, Alfredo Viali, Giampaolo Canzano, Raffaele Di Giovanni, Antonio Della Valle

Questions referred

1. Must Article 7 of the ECHR, Article 49 of the Charter of Fundamental Rights of the European Union, proclaimed on 7 December 2000 in Nice, and Article 6 [TEU] be interpreted as meaning that Romania's accession to the European Union on 1 January 2007 had the effect of abolishing the criminal offence provided for in and punishable under Article 12 of Legislative Decree No 286/1998 (consolidated text [on immigration]) relating to the facilitating of the immigration and stay by Romanian nationals in the territory of the Italian State?
2. Must those provisions be interpreted as precluding a Member State from applying the principle of benign retroactivity (*in mitius*) in respect of persons who, before 1 January 2007 (or other subsequent date on which the treaty took full effect), the date on which Romania's accession to the European Union took effect, were responsible for breach of Article 12 of Legislative Decree No 286/1998 (consolidated text on immigration) in that they facilitated the immigration of Romanian nationals, which ceased to be an offence as from 1 January 2007?

Request for a preliminary ruling from the Hof van Beroep te Brussel (Belgium) lodged on 13 May 2015 — Openbaar Ministerie v Etablissements Fr. Colruyt NV

(Case C-221/15)

(2015/C 262/07)

Language of the case: Dutch

Referring court

Hof van Beroep te Brussel

Parties to the main proceedings

Appellant: Openbaar Ministerie

Respondent: Etablissements Fr. Colruyt NV

Questions referred

1. Does Article 15(1) of Directive 2011/64/EU ⁽¹⁾, whether or not read in conjunction with Articles 20 and 21 of the Charter of Fundamental Rights of the European Union ⁽²⁾ of 7 December 2000, preclude a national measure which requires retailers to respect minimum prices by prohibiting the application of a price for tobacco products which is lower than the price that the manufacturer/importer has affixed to the revenue stamp?