

**Operative part of the judgment**

*The first sentence of Article 23(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark must be interpreted as meaning that the licensee may bring proceedings alleging infringement of a Community trade mark which is the subject of the licence, although that licence has not been entered in the Register of Community trade marks.*

<sup>(1)</sup> OJ C 254, 3.8.2015.

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**Request for a preliminary ruling from the Rechtbank Noord-Holland (Netherlands) lodged on 14 December 2015 — X, GoPro Coöperatief UA v Inspecteur van de Belastingdienst Douane, kantoor Rotterdam Rijnmond**

**(Case C-666/15)**

(2016/C 106/13)

*Language of the case: Dutch*

**Referring court**

Rechtbank Noord-Holland

**Parties to the main proceedings**

*Applicants:* X, GoPro Coöperatief UA

*Defendant:* Inspecteur van de Belastingdienst Douane, kantoor Rotterdam Rijnmond

**Questions referred**

1. Are the Commission's explanatory notes to subheading 8525 80 30 and to subheadings 8525 80 91 and 8525 80 99 of the Combined Nomenclature to be interpreted as meaning that there are also 'at least 30 minutes in a single sequence of video' in the case where, by means of a 'video record' mode, sequences of video together lasting longer than 30 minutes are recorded, but those sequences of video are recorded in separate files, each with a duration of less than 30 minutes, and the user must, when playing back, open each file with a duration of less than 30 minutes separately, although it is possible, with the aid of the software supplied by GoPro, to place the sequences, which have been incorporated into those files, on a personal computer one after another and thereby save a single video sequence of more than 30 minutes' duration in a single file on a personal computer?
2. Is classification, under CN subheading 8525 80 99, of video camera recorders which can record sequences from external sources precluded in the case where the sequences cannot be played back via an external TV receiver or an external monitor because those video camera recorders, such as the GoPro Hero 3 Silver Edition, can play back, on an external screen or monitor, only files which they have recorded via their own lenses?

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**Request for a preliminary ruling from the Hof van beroep te Antwerpen (Belgium) lodged on 14 December 2015 — Loterie Nationale — Nationale Loterij NV v Paul Adriaensen and Others**

**(Case C-667/15)**

(2016/C 106/14)

*Language of the case: Dutch*

**Referring court**

Hof van beroep te Antwerpen

**Parties to the main proceedings**

*Appellant:* Loterie Nationale — Nationale Loterij NV

*Respondents:* Paul Adriaensen, Werner De Kesel, The Right Frequency VZW

**Question referred**

Does the application of paragraph 14 of Annex I to Directive 2005/29/EC<sup>(1)</sup> of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council require that a prohibited pyramid promotional scheme exists only if the realisation of the financial promise to existing members:

— depends primarily or mostly on the direct transfer of the contributions of the new members ('direct link'),

or

— does it suffice that the realisation of the financial promise to existing members depends primarily or mostly on an indirect payment through the contributions of existing members, i.e. existing members do not obtain their compensation primarily or mostly from their own sale or their own consumption of goods or services, but depend for the realisation of the financial promise primarily or mostly on the subscription and contributions of new members ('indirect link')?

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<sup>(1)</sup> OJ 2005 L 149, p. 22.

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**Appeal brought on 15 December 2015 by The Tea Board against the judgment of the General Court (Eighth Chamber) delivered on 2 October 2015 in Case T-624/13: The Tea Board v Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

**(Case C-673/15 P)**

(2016/C 106/15)

*Language of the case: English*

**Parties**

*Appellant:* The Tea Board (represented by: M.C. Maier, A. Nordemann, Rechtsanwälte)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs), Delta Lingerie

**Form of order sought**

The appellant claims that the Court should:

— annul the contested judgment of the General Court of 2 October 2015 in Case T-624/13 as far as the General Court dismissed the action with respect to the following services covered by the mark applied for in Classes 35 and 38:

*Business consultancy with regard to the creation and operation of retail outlets and central purchasing agencies for retailing and advertising purposes; Sales promotion (for others), advertising, business management, business administration, on-line advertising on a computer network, distribution of advertising material (leaflets, flyers, free newspapers, samples), arranging newspaper subscriptions for others; Business information or enquiries; organization of events and exhibitions for commercial or advertising purposes, advertising management, rental of advertising space, radio and television advertising, advertising sponsorship. (Class 35)*

*Telecommunications, computer-aided transmission of messages and images, interactive television broadcasting services relating to the presentation of products, communications by computer terminals, communications (transmissions) on the open and closed world wide web. (Class 38)*