

2. Are Articles 34 and 35 of Law 1/2000 incompatible with Articles 6(1) and 7(2) of, and [point 1(q) of the Annex to], Directive [93/13/EEC] inasmuch as they preclude the production of evidence for the purpose of resolving the dispute in the administrative procedure for recovery of unpaid fees?

⁽¹⁾ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

⁽²⁾ Directive 2005/29/EC 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 ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 23 November 2015 — Hummel Holding A/S v Nike Inc. and Nike Retail B.V.

(Case C-617/15)

(2016/C 038/50)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Applicant: Hummel Holding A/S

Defendants: Nike Inc., Nike Retail B.V.

Question referred

Under which circumstances is a legally distinct second-tier subsidiary, with its seat in an EU Member State, of an undertaking that itself has no seat in the European Union to be considered as an 'establishment' of that undertaking within the meaning of Article 97(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark? ⁽¹⁾

⁽¹⁾ OJ 2009 L 78, p. 1.

Request for a preliminary ruling from the Cour de cassation (France) lodged on 23 November 2015 — Concurrence Sàrl v Samsung Electronics France SAS, Amazon Services Europe Sàrl

(Case C-618/15)

(2016/C 038/51)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: Concurrence Sàrl

Defendants: Samsung Electronics France SAS, Amazon Services Europe Sàrl