

Other party to the proceedings: European Union Intellectual Property Office (EUIPO)

By order of 30 November 2017, the Court of Justice (Seventh Chamber) dismissed the appeal and ordered X-cen-tek GmbH & Co. KG to bear its own costs.

**Request for a preliminary ruling from the Tribunal Supremo (Spain) lodged on 24 October 2017 —
Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego v Industrial
Quesera Cuquerella SL, Juan Ramón Cuquerella Montagud**

(Case C-614/17)

(2018/C 042/05)

Language of the case: Spanish

Referring court

Tribunal Supremo

Parties to the main proceedings

Applicant: Fundación Consejo Regulador de la Denominación de Origen Protegida Queso Manchego

Respondent: Industrial Quesera Cuquerella SL, Juan Ramón Cuquerella Montagud

Questions referred

- 1) Must the evocation of a protected designation of origin prohibited by Article 13(1)(b) of Regulation 510/2006 ⁽¹⁾ necessarily be brought about by the use of a name visually, phonetically or conceptually similar to the protected designation of origin or may it be brought about by the use of figurative signs evoking the designation of origin?
- 2) When the protected designation of origin is of a geographical nature (Article 2(1)(a) of Regulation 510/2006) and when the products are the same or comparable, can the use of signs evoking the region with which a protected designation of origin is associated constitute evocation of the protected designation of origin itself, within the meaning of Article 13(1)(b) of Regulation 510/2006, which is prohibited even when the user of those signs is a producer established in the region associated with the protected designation of origin, but whose products are not protected by the designation of origin because they do not meet the requirements set out in the product specification, apart from the geographical provenance?
- 3) Must the concept of the average consumer who is reasonably well informed and reasonably observant and circumspect, to whose perception the national court has to refer in order to assess whether there is 'evocation' within the meaning of Article 13(1)(b) of Regulation 510/2006, be understood to cover European consumers or can it cover solely consumers of the Member State in which the product giving rise to evocation of the protected geographical indication is produced or with which the PDO is geographically associated and in which the product is mainly consumed?

⁽¹⁾ Council Regulation (EC) no° 510/2006 of 20 March 2006, on the protection of geographical indications and designations of origin for agricultural products and foodstuffs. (OJ 2006 L 93, p. 12).

**Request for a preliminary ruling from the Okresný súd Dunajská Streda (Slovakia) lodged on
8 November 2017 — ZSE Energia, a.s. v RG**

(Case C-627/17)

(2018/C 042/06)

Language of the case: Slovak

Referring court

Okresný súd Dunajská Streda