

Appeal brought on 21 September 2018 by Star Television Productions Ltd against the judgment of the General Court (Sixth Chamber) delivered on 13 July 2018 in Case T-797/17 Star Television Productions v EUIPO — Marc Dorcel (STAR)

(Case C-602/18 P)

(2018/C 436/41)

Language of the case: French

Parties

Appellant: Star Television Productions Ltd (represented by: D. Farnsworth, Solicitor)

Other parties to the proceedings: European Union Intellectual Property Office, Marc Dorcel

By order of 18 October 2018, the Court of Justice (Sixth Chamber) dismissed the appeal.

Request for a preliminary ruling from the Tribunal d'instance d'Épinal (France) lodged on 1 October 2018 — Cofidis SA v YU, ZT

(Case C-616/18)

(2018/C 436/42)

Language of the case: French

Referring court

Tribunal d'instance d'Épinal

Parties to the main proceedings

Applicant: Cofidis SA

Defendants: YU, ZT

Question referred

Does the protection guaranteed to consumers by Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC ⁽¹⁾ preclude a national provision which, in an action brought by a seller or supplier against a consumer on the basis of a credit agreement which they have concluded, prohibits the national court, on expiry of a limitation period of five years from the conclusion of the agreement, from finding and penalising, of its own motion or following an objection raised by the consumer, a failure to comply with the provisions relating to the obligation laid down in Article 8 of the directive to verify the creditworthiness of the consumer, a failure to comply with those of Article 10 et seq. of the directive relating to the information which must be included in a clear and concise manner in credit agreements, and, more generally, a failure to comply with all of the consumer-protection provisions set out in that directive?

⁽¹⁾ OJ 2008 L 133, p. 66.

Request for a preliminary ruling from the Cour de cassation (France) lodged on 4 October 2018 — AR v Cooper International Spirits LLC, Établissements Gabriel Boudier SA, St Dalfour SAS

(Case C-622/18)

(2018/C 436/43)

Language of the case: French

Referring court

Cour de cassation

Parties to the main proceedings

Applicant: AR

Defendants: Cooper International Spirits LLC, Établissements Gabriel Boudier SA, St Dalfour SAS

Question referred

Must Article 5(1)(b) and Articles 10 and 12 of Directive 2008/95 EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks ⁽¹⁾ be interpreted as meaning that a proprietor which has never exploited its trade mark and whose rights over it were revoked on expiry of the period of five years following publication of its registration can obtain compensation for injury caused by infringement, claiming an adverse effect on the essential function of its trade mark, caused by use by a third party, before the effective date of the revocation, of a sign similar to that trade mark to designate goods or services identical or similar to those for which that trade mark was registered?

⁽¹⁾ OJ 2008 L 299, p. 25.

Appeal brought on 11 October 2018 by Apple Distribution International against the order of the General Court (Eighth Chamber) delivered on 27 July 2018 in Case T-101/17: Apple Distribution International v European Commission

(Case C-633/18 P)

(2018/C 436/44)

Language of the case: English

Parties

Appellant: Apple Distribution International (represented by: S. Schwiddessen, H. Lutz, Rechtsanwälte, N. Niejahr, Rechtsanwältin, A. Patsa, Advocate)

Other party to the proceedings: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the contested order in its entirety;
- declare that Apple is directly and individually concerned by the contested decision;
- refer the case back to the General Court for a ruling on the merits; and
- order the Commission to pay its own costs and Apple's costs in connection with these proceedings and the proceedings before the General Court.

Pleas in law and main arguments

Apple submits that the contested order is vitiated by errors of law:

- First, the General Court distorts and fails to consider relevant evidence in assessing whether Apple's competitive position on the market for the provision of home video entertainment services in Germany is substantially affected by the contested decision ⁽¹⁾.
- Second, the General Court misapplies the legal test for assessing individual concern in finding that Apple does not belong to a closed group of undertakings who were identifiable when the contested decision was adopted by reason of criteria specific to the members of that group.