Parties to the main proceedings

Applicant: Brita GmbH

Defendant: Hauptzollamt Hamburg-Hafen

Re:

Reference for a preliminary ruling — Finanzgericht Hamburg — Interpretation of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, signed at Brussels on 20 November 1995 (OJ 2000 L 147, p. 3) and in particular Articles 32 and 33 of Protocol 4 of that agreement, and of the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, signed at Brussels on 24 February 1997 (OJ 1997 L 187, p. 3) — Refusal to apply the preferential tariff regime granted to goods originating in Israel to goods originating in an Israeli settlement in the West Bank — Power of the authorities of the importing State to verify subsequently the proof-of-origin certificates in the absence of doubts concerning the origin of the goods in question other than those resulting from a divergence of opinion between the parties to the EEC-Israel Association Agreement as to the interpretation of the expression 'territory of the State of Israel' and in the absence of previous resort, for the purposes of the interpretation of that expression, to the dispute-settlement procedure provided for under Article 33 of Protocol 4 of that agreement

Operative part of the judgment

1. *The customs authorities of the importing Member State may refuse to grant the preferential treatment provided for under the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, signed in Brussels on 20 November 1995, where the goods concerned originate in the West Bank. Furthermore, the customs authorities of the importing Member State may not make an elective determination, leaving open the questions of which of the agreements to be taken into account — namely, the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, and the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organisation (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, signed in Brussels on 24 February 1997 — applies in the circumstances of the case and of whether proof of origin falls to be issued by the Israeli authorities or by the Palestinian authorities.*

2. *For the purposes of the procedure laid down in Article 32 of Protocol No 4 appended to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the State of Israel, of the other part, the customs authorities of the importing State are not bound by the proof of origin submitted or by the reply given by the customs authorities of the exporting State where that reply does not contain sufficient information, for the purposes of Article 32(6) of that protocol, to enable the real origin of the products to be determined. Furthermore, the customs authorities of the importing State are not obliged to refer to the Customs Cooperation Committee set up under Article 39 of that protocol a dispute concerning the territorial scope of that agreement.*

([1]) OJ C 285, 08.11.2008.

Judgment of the Court (Second Chamber) of 25 February 2010 — Lancôme parfums et beauté & Cie SNC v Office for Harmonisation in the Internal Market (Trade Marks and Designs), CMS Hasche Sigle

(Case C-408/08 P) ([1])

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Articles 55(1)(a) and 7(1)(c) — Interest in bringing an application for a declaration of invalidity of a trade mark based on an absolute ground for invalidity — Law firm — Word sign 'COLOR EDITION' — Descriptive character of a word mark composed of descriptive elements)

(2010/C 100/07)

Language of the case: French

Parties

Appellant: Lancôme parfums et beauté & Cie SNC (represented by: A. von Mühlendahl, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral), CMS Hasche Sigle

Re:

Appeal brought against the judgment of the Court of First Instance (Second Chamber) of 8 July 2008 in Case T-160/07 Lancôme v OHIM — CMS Hasche Sigle in which the Court of First Instance dismissed the action brought by the appellant against the decision of the Second Board of Appeal of OHIM of 26 February 2007 declaring invalid the registration of the trade mark COLOR EDITION in respect of cosmetic and make-up goods — Infringement of Articles 7(1)(c) and 55(1)(a) of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark (OJ 1994 L 11, p. 1) — Legal

standing to bring an application for a declaration of a trade mark's invalidity — Law firm — No private economic interest to apply for a declaration of the invalidity of a cosmetics trade mark — Noticeable difference between the association created by the terms suggested for the purpose of a trade mark's registration and the everyday language used by the target public to describe the goods and services at issue or their essential characteristics

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. *Orders Lancôme parfums et beauté & Cie SNC to pay the costs.*

([1]) OJ C 6, 10.1.2009.

Judgment of the Court (Grand Chamber) of 23 February 2010 (reference for a preliminary ruling from the Court of Appeal of England and Wales, United Kingdom) — Maria Teixeira v London Borough of Lambeth, Secretary of State for the Home Department

(Case C-480/08) ([1])

(Freedom of movement for persons — Right of residence — National of a Member State who worked in another Member State and remained there after ceasing to work — Child in vocational training in the host Member State — No means of subsistence — Regulation (EEC) No 1612/68 — Article 12 — Directive 2004/38/EC)

(2010/C 100/08)

Language of the case: English

Referring court

Court of Appeal of England and Wales

Parties to the main proceedings

Applicant: Maria Teixeira

Defendants: London Borough of Lambeth, Secretary of State for the Home Department

Re:

Reference for a preliminary ruling — Court of Appeal of England and Wales — Interpretation of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ 2004 L 158, p. 77) and of Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community (OJ, English Special Edition, 1968 (II), p. 475) — Right of residence in the United Kingdom of a Union citizen no longer having the status of a worker and no longer able to establish a right of residence in accordance with the provisions on the freedom of movement of workers — Right for the child of such a citizen to remain in the United Kingdom in order to complete a vocational training course — Right of the mother to remain there as carer with the child

Operative part of the judgment

1. *A national of a Member State who was employed in another Member State in which his or her child is in education can, in circumstances such as those of the main proceedings, claim, in the capacity of primary carer for that child, a right of residence in the host Member State on the sole basis of Article 12 of Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on freedom of movement for workers within the Community, as amended by Council Regulation (EEC) No 2434/92 of 27 July 1992, without being required to satisfy the conditions laid down in Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.*

2. *The right of residence in the host Member State of the parent who is the primary carer of a child exercising the right to pursue his or her education in accordance with Article 12 of Regulation No 1612/68 is not conditional on that parent having sufficient resources not to become a burden on the social assistance system of that Member State during the period of residence and having comprehensive sickness insurance cover there.*

3. *The right of residence in the host Member State of the parent who is the primary carer for a child of a migrant worker, where that child is in education in that State, is not conditional on one of the child's parents having worked as a migrant worker in that Member State on the date on which the child started in education.*