

**Judgment of the Court (Second Chamber) of 2 September 2010 (reference for a preliminary ruling from the Simvoulio tis Epikrateas (Greece)) — Panagiotis I. Karanikolas, Valsamis Daravanis, Georgios Kouvoukliotis, Panagiotis Ntolou, Dimitrios Z. Parisis, Konstantinos Emmanouil, Ioannis Anasoglou, Pantelis A. Beis, Dimitrios Chatziandreou, Ioannis A. Zaragkoulias, Triantafillos K. Mavrogiannis, Sotirios Th. Liotakis, Vasileos Karampasis, Dimitrios Melissidis, Ioannis V. Kleovoulos, Dimitrios I. Patsakos, Theodoros Fournarakis, Dimitrios K. Dimitrakopoulos and Sinetairismos Paraktion Alieon Kavalas v Ipourgos Agrotikis Anaptixis kai Trofimon and Nomarkhiaki Aftodioikisi Dramas-Kavalas, Xanthis**

(Case C-453/08) <sup>(1)</sup>

*(Common fisheries policy — Fisheries in the Mediterranean — Regulation (EC) No 1626/94 — Article 1(2) and (3) — Prohibition of the use of certain types of fishing net — Measures supplementary to or going beyond the minimum requirements of that regulation which were adopted before its entry into force — Conditions of validity)*

(2010/C 288/16)

Language of the case: Greek

#### Referring court

Simvoulio tis Epikrateas

#### Parties to the main proceedings

*Applicants:* Panagiotis I. Karanikolas, Valsamis Daravanis, Georgios Kouvoukliotis, Panagiotis Ntolou, Dimitrios Z. Parisis, Konstantinos Emmanouil, Ioannis Anasoglou, Pantelis A. Beis, Dimitrios Chatziandreou, Ioannis A. Zaragkoulias, Triantafillos K. Mavrogiannis, Sotirios Th. Liotakis, Vasileos Karampasis, Dimitrios Melissidis, Ioannis V. Kleovoulos, Dimitrios I. Patsakos, Theodoros Fournarakis, Dimitrios K. Dimitrakopoulos and Sinetairismos Paraktion Alieon Kavalas

*Defendants:* Ipourgos Agrotikis Anaptixis kai Trofimon and Nomarkhiaki Aftodioikisi Dramas-Kavalas-Xanthis

*Intervening parties:* Alieftikos Agrotikos Sinetairismos gri-gri nomou Kavalas (MAKEDONIA), Panellinia Enosi Ploioktiton Mesis Alieias (PEPMA)

#### Re:

Reference for a preliminary ruling — Simvoulio tis Epikrateas — Interpretation of Articles 1(2), 2(3) and 3(1) of Council

Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean — Prohibition on the use of certain types of fishing net — Scope of the possibility, established by the regulation, for Member States to adopt measures that are supplementary or go beyond the minimum requirements of the regulation

#### Operative part of the judgment

Article 1(2) and Article 1(3) of Council Regulation (EC) No 1626/94 of 27 June 1994 laying down certain technical measures for the conservation of fishery resources in the Mediterranean, as amended by Council Regulation (EC) No 2550/2000 of 17 November 2000, must be interpreted as meaning, first, that the entry into force of that regulation does not affect the validity of a supplementary national measure, a prohibition, which was adopted before that entry into force and, secondly, that those provisions do not preclude such a measure, provided that that prohibition is in conformity with the common fisheries policy, that it does not go beyond what is necessary to achieve the objective pursued and that it is not contrary to the principle of equal treatment, those being matters which it is for the national court to determine.

<sup>(1)</sup> OJ C 327, 20.12.2008.

**Judgment of the Court (Second Chamber) of 2 September 2010 (reference for a preliminary ruling from the Lietuvos Aukščiausiasis Teismas (Republic of Lithuania)) — Kirin Amgen Inc. v Lietuvos Respublikos valstybinis patentų biuras**

(Case C-66/09) <sup>(1)</sup>

*(Patent law — Proprietary medicinal products — Regulation (EEC) No 1768/92 — Articles 7, 19 and 19a(e) — Supplementary protection certificate for medicinal products — Period for lodging the application for such a certificate)*

(2010/C 288/17)

Language of the case: Lithuanian

#### Referring court

Lietuvos Aukščiausiasis Teismas

**Parties to the main proceedings**

*Applicant:* Kirin Amgen Inc.

*Defendant:* Lietuvos Respublikos valstybinis patentų biuras

*Intervener:* Amgen Europe BV

**Re:**

Reference for a preliminary ruling — Lietuvos Aukščiausiasis Teismas — Interpretation of Articles 3(b), 7(1), 13(1), 19 and 23 of Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (OJ 1992 L 182, p. 1) — Company holding a European patent and a Community marketing authorisation for a medicinal product, which applied for a supplementary protection certificate for that product — Determination of the commencement date of the period laid down for lodging an application for a supplementary protection certificate — Date on which the marketing authorisation was granted or date on which the regulation in question entered into force for Lithuania through its accession to the European Union

**Operative part of the judgment**

Articles 7 and 19a(e) of Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products, as amended by the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded, must be interpreted as not allowing the holder of a valid basic patent in respect of a product to apply to the competent Lithuanian authorities, within six months of the date upon which the Republic of Lithuania acceded to the European Union, for the grant of a supplementary protection certificate where an authorisation to place that product on the market as a medicinal product was obtained more than six months before accession under Council Regulation (EEC) No 2309/93 of 22 July 1993 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Agency for the Evaluation of Medicinal Products, but the product did not obtain a marketing authorisation in Lithuania.

(<sup>1</sup>) OJ C 90, 18.4.2009.

**Judgment of the Court (First Chamber) of 2 September 2010 — Calvin Klein Trademark Trust v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Zafra Marroquinos SL**

(Case C-254/09 P) (<sup>1</sup>)

**(Appeals — Community trade mark — Word mark CK CREACIONES KENNYA — Opposition by the proprietor of inter alia the Community figurative mark CK Calvin Klein and national marks CK — Opposition rejected)**

(2010/C 288/18)

Language of the case: Spanish

**Parties**

*Appellant:* Calvin Klein Trademark Trust (represented by: T. Andrade Boué, lawyer)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, Agent), Zafra Marroquinos SL (represented by: J.E. Martín Álvarez, lawyer)

**Re:**

Appeal against the judgment of the Court of First Instance (Sixth Chamber) of 7 May 2009 in Case T 185/07 Calvin Klein Trademark Trust v OHIM and Zafra Marroquinos, SL dismissing the action brought against the decision of the Second Board of Appeal of OHIM of 29 March 2007 (Case R 314/2006-2) relating to opposition proceedings between Calvin Klein Trademark Trust and Zafra Marroquinos, SL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal
2. Orders Calvin Klein Trademark Trust to pay the costs.

(<sup>1</sup>) OJ C 205, 29.8.2009.