

**Re:**

Reference for a preliminary ruling — Interpretation of Article 13B(d)(3) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Exemptions — Transactions consisting in the grant, negotiation and management of credit — Exorbitant lending activities, unlawful activity according to national law

**Operative part**

*Although exorbitant lending is a criminal offence under the national criminal code it falls, despite the fact that it is unlawful, within the scope of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment. Article 13B(d)(1) of that directive must be interpreted as meaning that a Member State cannot impose value added tax on that activity when the corresponding lawful activity of money lending at rates of interest that are not excessive is exempt from VAT.*

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(<sup>1</sup>) OJ C 282, 21.11.2009.

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**Order of the Court of 30 June 2010 — Royal Appliance International GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs), BSH Bosch und Siemens Hausgeräte GmbH**

(Case C-448/09 P) (<sup>1</sup>)

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Earlier mark ‘sensixx’ — Word mark ‘Centrixx’ — Relative ground for refusal — Likelihood of confusion — Application for revocation of an earlier mark — Proceedings pending before the national courts — Request for a stay of the proceedings before the General Court)*

(2010/C 288/27)

Language of the case: German

**Parties**

Appellant: Royal Appliance International GmbH (represented by: K.-J. Michaeli and M. Schork, Rechtsanwälte)

*Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, acting as Agent), BSH Bosch und Siemens Hausgerate GmbH (represented by: S. Biagosch, Rechtsanwalt)*

**Re:**

Appeal brought against the judgment of the Court of First Instance (First Chamber) of 15 September 2009 in Case T-446/09 *Royal Appliance International v OHIM — BSH Bosch und Siemens Hausgeräte*, by which the Court of First Instance dismissed the action for annulment brought against the decision of the Fourth Board of Appeal of OHIM of 3 October 2007, rejecting the registration of the word mark ‘Centrixx’ as a Community trade mark for certain goods in Class 7, by granting the opposition by the proprietor of the national word mark ‘sensixx’ — Failure to stay the proceedings while awaiting the resolution of the dispute pending before the national courts concerning the application for revocation of the earlier mark — Infringement of Article 8(1)(b) of Regulation (EC) No 40/94 — Likelihood of confusion between two marks

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Royal Appliance International GmbH is ordered to pay the costs.*

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(<sup>1</sup>) OJ C 24, 30.1.2010.

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**Order of the Court of 10 June 2010 — Thomson Sales Europe v European Commission**

(Case C-498/09 P) (<sup>1</sup>)

*(Appeal — Customs Code — Remission of import duties — Waiver of post-clearance recovery — Anti-dumping duties — No obvious negligence — Complexity of the legislation — Professional experience — Operator’s diligence — Colour televisions made in Thailand — Challengeable acts)*

(2010/C 288/28)

Language of the case: French

**Parties**

Appellant: Thomson Sales Europe (represented by: F. Foucault and F Goguel, avocats)