

Judgment of the Court (Eighth Chamber) of 15 March 2012
— European Commission v Republic of Poland

(Case C-46/11) ⁽¹⁾

(Failure of a Member State to fulfil obligations — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Inadequate protection of certain species, including the otter (Lutra lutra))

(2012/C 133/14)

Language of the case: Polish

Parties

Applicant: European Commission (represented by: S. Petrova and K. Hermann, Agents)

Defendant: Republic of Poland (represented by: M. Szpunar, D. Krawczyk and B. Majczyna, Agents)

Re:

Failure of a Member State to fulfil obligations — Breach of Article 16(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) — Inadequate protection of certain species, including the otter (*Lutra lutra*)

Operative part of the judgment

The Court:

1. Declares that, by failing to transpose correctly the conditions governing the derogations laid down in Article 16(1) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, the Republic of Poland has failed to comply with its obligations under that provision;
2. Orders the Republic of Poland to pay the costs.

⁽¹⁾ OJ C 103, 2.4.2011.

Judgment of the Court (Third Chamber) of 15 March 2012
 (references for a preliminary ruling from the Bundespatentgericht — Germany) — Alfred Strigl v Deutsches Patent- und Markenamt (Case C-90/11), Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH v Öko-Invest Verlagsgesellschaft mbH (C-91/11)

(Joined Cases C-90/11 and C-91/11) ⁽¹⁾

(Trade marks — Directive 2008/95/EC — Grounds for refusal or invalidity — Verbal expressions which consist of a word combination and a sequence of letters identical to the initial letters of those words — Distinctive character — Descriptive character — Assessment criteria)

(2012/C 133/15)

Language of the cases: German

Referring court

Bundespatentgericht

Parties to the main proceedings

Applicants: Alfred Strigl (C-90/11), Securvita Gesellschaft zur Entwicklung alternativer Versicherungskonzepte mbH (C-91/11)

Defendants: Deutsches Patent- und Markenamt (Case C-90/11), Öko-Invest Verlagsgesellschaft mbH (C-91/11)

Re:

References for a preliminary ruling — Bundespatentgericht — Interpretation of Article 3(1)(b) and (c) 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 (codified version) (OJ 2008 L 299, p. 25) — Distinctive character of a word mark composed of a combination of descriptive words and a sequence of non-descriptive letters that are identical to the initial letters of those words

Operative part of the judgment

Article 3(1)(b) and (c) 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 must be interpreted as meaning that it is applicable to a word mark which consists of the juxtaposition of a descriptive word combination and a letter sequence which is non-descriptive in itself, if the relevant public perceives that sequence as being an abbreviation of that word combination by reason of the fact that it reproduces the first letter of each word of that combination, and that the mark in question, considered as a whole, can thus be understood as a combination of descriptive indications or abbreviations which is therefore devoid of distinctive character.

⁽¹⁾ OJ C 173, 11.6.2011.

Judgment of the Court (Second Chamber) of 22 March 2012
 (reference for a preliminary ruling from the Administrativen sad — Varna — Bulgaria) — Klub OOD v Direktor na Direktsia 'Obzhalvane i upravlenie na izpalnenieto' — Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite

(Case C-153/11) ⁽¹⁾

(VAT — Directive 2006/112/EC — Article 168 — Right of deduction — Origin of the right of deduction — Right of a company to deduct the input VAT paid for the acquisition of capital goods not yet brought into use for the company's business activities)

(2012/C 133/16)

Language of the case: Bulgarian

Referring court

Administrativen sad — Varna

Parties to the main proceedings

Applicant: Klub OOD

Defendant: Direktor na Direktsia 'Obzhalvane i upravlenie na izpalnenieto' — Varna pri Tsentralno upravlenie na Natsionalnata agentsia za prihodite