

**Judgment of the Court (Third Chamber) of 21 February 2013 (request for a preliminary ruling from the Tribunal du travail de Bruxelles — Belgium) — Patricia Dumont de Chassart v Office national d’allocations familiales pour travailleurs salariés (ONAFST)**

(Case C-619/11) <sup>(1)</sup>

**(Social security — Regulation (EEC) No 1408/71 — Articles 72, 78(2)(b) and 79(1)(a) — Family benefits for orphans — Aggregation of periods of insurance and employment — Periods completed by the surviving parent in another Member State — Not taken into account)**

(2013/C 114/22)

Language of the case: French

**Referring court**

Tribunal du travail de Bruxelles

**Parties to the main proceedings**

Applicant: Patricia Dumont de Chassart

Defendant: Office national d’allocations familiales pour travailleurs salariés (ONAFST)

**Re:**

Request for a preliminary ruling — Tribunal du travail de Bruxelles — Interpretation of Articles 17 EC, 39 EC and 43 EC, and of Articles 72 and 79(1) of Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ, English Special Edition 1971(II), p. 416) — Allowances for orphans to be paid by the State of residence — Admissibility, as regards the principles of equality and non-discrimination, of a Community provision that makes the acquisition of entitlement to allowances conditional on the deceased parent having completed certain insurance periods but not the surviving parent — More favourable national legislation which also allows the surviving parent to benefit under rules equating periods of insurance — Less favourable treatment of workers who are surviving parents and have exercised their right to freedom of movement — Discrimination

**Operative part of the judgment**

Article 72, Article 78(2)(b) and point (a) of the second subparagraph of Article 79(1) of Regulation (EEC) No 1408/71 of the Council of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community, as amended and updated by Council Regulation (EC) No 118/97 of 2 December 1996, as amended by Council Regulation (EC) No 1399/1999 of 29 April

1999, must be interpreted as meaning that, where the national legislation of a Member State provides that a right to benefits for orphans can be established by both the deceased parent and the surviving parent, provided that they have the status of employed persons, those provisions of European Union law require that periods of insurance and employment completed by the surviving parent in another Member State be taken into account in the aggregation of the periods necessary to acquire the right to benefits in the first of those Member States. In that regard, it is not relevant that the surviving parent cannot rely on any period of insurance or employment in that Member State during the reference period laid down by that national legislation for the acquisition of that right.

<sup>(1)</sup> OJ C 49, 18.2.2012.

**Judgment of the Court (Second Chamber) of 21 February 2013 — Seven for all mankind LLC v Seven SpA — Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case C-655/11 P) <sup>(1)</sup>

**(Appeal — Community trade mark — Opposition proceedings — Earlier word mark — Element ‘SEVEN’ — Similarity of the signs — Likelihood of confusion — Relative ground for refusal)**

(2013/C 114/23)

Language of the case: English

**Parties**

Appellant: Seven for all mankind LLC (represented by: A. Gautier-Sauvagnac and B. Guimberteau, avocats)

Other parties to the proceedings: Seven SpA (represented by: L. Trevisan, avvocato), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

**Re:**

Appeal against the judgment of the General Court (Sixth Chamber) of 6 October 2011 in Case T-176/10 SEVEN v OHIM — SEVEN FOR ALL MANKIND, by which that Court annulled Decision R 1514/2008-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 28 January 2010 rejecting the action against the decision annulling the decision of the Opposition Division