

**Parties to the main proceedings**

*Applicant:* Daiichi Sankyo Company

*Defendant:* Comptroller-General of Patents, Designs and Trade Marks

**Re:**

Reference for a preliminary ruling — High Court of Justice (Chancery Division, Patents Court) — Interpretation of Articles 3(a) and 4 of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products (OJ 2009 L 152, p. 1) — Conditions for obtaining a certificate — Concept of a ‘product protected by a basic patent in force’ — Criteria — Existence of further or different criteria for a medicinal product comprising more than one active ingredient

**Operative part of the order**

Article 3(a) of Regulation (EC) No 469/2009 of the European Parliament and of the Council of 6 May 2009 concerning the supplementary protection certificate for medicinal products must be interpreted as precluding the competent industrial property office of a Member State from granting a supplementary protection certificate relating to active ingredients which are not identified in the wording of the claims of the basic patent relied on in support of the application for such a certificate.

<sup>(1)</sup> OJ C 63, 26.2.2011.

**Order of the Court of 26 October 2011 — Fernando Marcelino Victoria Sánchez v European Parliament, European Commission**

(Case C-52/11 P) <sup>(1)</sup>

**(Appeal — Action for failure to act — Letter addressed to the Parliament and Commission — Response — Decision to take no further action — Appeal manifestly unfounded and manifestly inadmissible)**

(2012/C 73/18)

Language of the case: Spanish

**Parties**

*Appellant:* Fernando Marcelino Victoria Sánchez (represented by: P. Suarez Plácido, abogado)

*Other parties to the proceedings:* European Parliament (represented by: N. Lorenz, N. Görlitz and P. López-Carceller, Agents), European Commission (represented by: I. Martínez del Peral and L. Lozano Palacios, Agents)

**Re:**

Appeal brought against the order of the General Court (Fourth Chamber) of 17 November 2010 in Case T-61/10 *Victoria Sánchez v Parliament and Commission*, by which the General Court dismissed an action seeking a declaration that the European Parliament and the European Commission failed to act, in so far as they unlawfully abstained from responding to the letter of 6 October 2009 sent by the appellant, an application for an injunction and a request for protective measures

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Mr Victoria Sánchez is ordered to pay the costs.*

<sup>(1)</sup> OJ C 103, 2.4.2011.

**Order of the Court (Eighth Chamber) of 9 December 2011 (reference for a preliminary ruling from the Rechtbank van eerste aanleg te Brugge — Belgium) — Connoisseur Belgium BVBA v Belgische Staat**

(Case C-69/11) <sup>(1)</sup>

**(Article 104(3), first subparagraph, of the Rules of Procedure — Sixth VAT Directive — Article 11.A(1)(a) — Taxable amount — Costs not charged by the taxable person)**

(2012/C 73/19)

Language of the case: Dutch

**Referring court**

Rechtbank van eerste aanleg te Brugge

**Parties to the main proceedings**

*Applicant:* Connoisseur Belgium BVBA

*Defendant:* Belgische Staat

**Re:**

Reference for a preliminary ruling — Rechtbank van eerste aanleg te Brugge — Interpretation of Article 11.A(1)(a) 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) and of Article 73 of Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1) — Hiring-out of pleasure craft — Agreement on the allocation of costs between the undertaking providing the craft for hire and the undertaking which hires them — Possibility of charging certain costs to the hiring undertaking — No charge made — National provision requiring VAT to be paid on those costs which are not charged

**Operative part of the order**

Article 11.A(1)(a) 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 must be interpreted as meaning that, in circumstances such as those in the main proceedings, value added tax is not due on costs or amounts which could contractually have been charged to the other contracting party but which were not so charged.

(<sup>1</sup>) OJ C 145, 14.5.2011.

**Order of the Court (First Chamber) of 15 December 2011 (reference for a preliminary ruling from the Hof van Cassatie van België — Belgium) — Inno NV v Unie van Zelfstandige Ondernemers VZW (UNIZO), Organisatie voor de Zelfstandige Modedetailhandel VZW (Mode Unie), Couture Albert BVBA**

(Case C-126/11) (<sup>1</sup>)

(First subparagraph of Article 104(3) of the Rules of Procedure — Directive 2005/29/EC — Unfair commercial practices — National legislation prohibiting announcements of price reductions and those suggestive of such reductions)

(2012/C 73/20)

Language of the case: Dutch

**Referring court**

Hof van Cassatie van België

**Parties to the main proceedings**

Applicant: Inno NV

Defendants: Unie van Zelfstandige Ondernemers VZW (UNIZO), Organisatie voor de Zelfstandige Modedetailhandel VZW (Mode Unie), Couture Albert BVBA

**Re:**

Reference for a preliminary ruling — Hof van Cassatie van België — Interpretation of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC and Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22)

**Operative part of the order**

Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC and Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC)

No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') must be interpreted as precluding a provision of national law, such as that at issue in the main proceedings, which lays down a general prohibition on announcements of price reductions and those suggestive of such reductions in the period preceding the period of sales, in so far as that provision pursues objectives related to consumer protection.

(<sup>1</sup>) OJ C 152, 21.5.2011.

**Order of the Court (Sixth Chamber) of 1 December 2011 — Longevity Health Products, Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Performing Science LLC**

(Case C-222/11 P) (<sup>1</sup>)

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 7(1)(d) — Word sign '5 HTP' — Application for a declaration of invalidity — Appeal manifestly unfounded)

(2012/C 73/21)

Language of the case: German

**Parties**

Appellant: Longevity Health Products, Inc (represented by: J. Korab, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent), Performing Science LLC

**Re:**

Appeal against the judgment of the General Court (Sixth Chamber) of 9 March 2011 in Case T-190/09 *Longevity Health Products v OHIM — Performing Science (5 HTP)* relating to an action brought against the decision of the Fourth Board of Appeal of OHIM of 21 April 2009 (Case R 595/2008-4) concerning invalidity proceedings between Performing Science LLC and Longevity Health Products, Inc. — Distinctive character of the word sign 5 HTP

**Operative part of the order**

1. The appeal is dismissed.
2. Longevity Health Products Inc. is ordered to pay the costs.

(<sup>1</sup>) OJ C 252, 27.8.2011.