

**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)

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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

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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.