Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent), Gestión de Recursos y Soluciones Empresariales SL (represented by: M. Polo Carreño and M. Granado Carpenter, abogadas)

Re:

Appeal brought against the judgment of the General Court (Fourth Chamber) of 15 December 2010 in Case T-188/10 *DTL* v *OHIM — Gestión de Recursos y Soluciones Empresariales (Solaria)* in which the General Court dismissed an action brought against the decision of the Second Board of Appeal of OHIM of 17 February 2010 (Case R 767/2009-2) relating to opposition proceedings between Gestión de Recursos y Soluciones Empresariales SL and DTL Corporación SL

Operative part of the order

1. *There is no need to adjudicate on the appeal in so far as it concerns the services falling within Class 37 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended.*

2. *The appeal is dismissed in so far as it concerns the services falling within Class 42 of the Nice Agreement.*

3. *DTL Corporación SL shall pay the costs.*

([1]) OJ C 130, 30.4.2011.

Reference for a preliminary ruling from the Verwaltungsgericht Karlsruhe (Germany) lodged on 24 November 2011 — Philipp Seeberger v Studentenwerk Heidelberg

(Case C-585/11)

(2012/C 49/24)

Language of the case: German

Referring court

Verwaltungsgericht Karlsruhe

Parties to the main proceedings

Claimant: Philipp Seeberger

Defendant: Studentenwerk Heidelberg

Question referred

Does European Union law preclude national legislation which denies an education or training grant for studies in another Member State solely on the ground that the student, who has exercised the right to freedom of movement, has not, at the commencement of the studies, had his permanent residence in his Member State of origin for at least three years? ([1])

([1]) Interpretation of Articles 20 and 21 of the Treaty on the Functioning of the European Union (TFEU) — Citizenship of the Union and free movement.

Reference for a preliminary ruling from the Korkein hallinto-oikeus (Finland) lodged on 28 November 2011 — Anssi Ketelä

(Case C-592/11)

(2012/C 49/25)

Language of the case: Finnish

Referring court

Korkein hallinto-oikeus

Parties to the main proceedings

Applicant: Anssi Ketelä

Defendant: Etelä-Pohjanmaan elinkeino-, liikenne- ja ympäristökeskus.

Questions referred

1. How are Article 22(1)(a) of Council Regulation (EC) No 1698/2005 ([1]) ('are setting up for the first time on an agricultural holding as head of the holding') and Article 13(4) and (6) of Commission Regulation (EC) No 1974/2006 ([2]) to be interpreted in a situation where agriculture is being engaged in as part of activity in company form? When assessing whether a person has started for the first time as head of a holding, is decisive significance to be given (in the assessment of previous activity) to the fact that the person has authority based on share ownership in the company; or to the amount of income he obtains from agriculture; or to whether his activity in the company can be differentiated functionally and economically as an independent production unit? Or is being head of a holding to be assessed as a whole, taking into account (in addition to the above-mentioned factors) the person's position in the company, and whether he in fact bears the risk pertaining to entrepreneurial activity?

2. When assessing the significance of previous activity when aid is being granted on the basis of other activity, is 'being head of a holding' to be interpreted in the same way in the case of previous activity and in that of the activity which forms the basis of the aid application? Does refusal of setting up aid for young farmers as referred to in Article 22 of the Council Regulation on the basis of activity previously engaged in require that the previous activity would be activity which, in principle, would be eligible for aid under the currently valid provisions?

3. Is Article 13(4) of the Commission Regulation to be interpreted in such a way that, the criteria mentioned in question 1 above on the basis of which a person is regarded as having set up as head of a holding can be made more precise or defined in more detail in national legislation, or does the provision merely give entitlement to define the date of setting up as a farmer?

(1) Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD); OJ 2005 L 277, p. 1.

(2) Commission Regulation (EC) No 1974/2006 of 15 December 2006 laying down detailed rules for the application of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD); OJ 2006 L 368, p. 15.

Reference for a preliminary ruling from the Supremo Tribunal Administrativo (Portugal) lodged on 1 December 2011 — TVI Televisão Independente, SA v Fazenda Pública

(Case C-618/11)

(2012/C 49/26)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Appellant: TVI Televisão Independente, SA

Respondent: Fazenda Pública

Questions referred

1. Is Article 16(1) of the CIVA [VAT Code], as interpreted in the judgment under appeal (to the effect that the commercial advertising *screening tax* is inherent in the supply of advertising services, so that it should be included in the taxable amount of the supply of services for the purposes of VAT), compatible with Article 11(A)(1)(a) of Directive 77/388/EC (1) (now Article 73 of Council Directive 2006/112/EC (2) of 28 November 2006) and, in particular, with the concept of 'consideration which has been or is to be obtained by the supplier … for such supplies'?

2. Is Article 16(6)(c) of the CIVA, as interpreted in the judgment under appeal (to the effect that the commercial advertising *screening tax* does not constitute an *amount paid in the name and on behalf of the customer of the services*, even though it is accounted for in third party suspense accounts and is intended to be paid to public bodies, so that it is not excluded from the taxable amount for the purposes of VAT) compatible with Article 11(A)(3)(c) of Directive 77/388/EC (now Article 79(c) of Council Directive 2006/112/EC of 28 November 2006) and, in particular, with the concept of '*amounts received by a taxable person from his purchaser or customer as repayment for expenses paid out in the name and for the account of the latter and which are entered in his books in a suspense account*'?

(1) 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).

(2) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ 2006 L 347, p. 1).

Reference for a preliminary ruling from the Tribunal du travail de Bruxelles (Belgium) of 30 November 2011 — Patricia Dumont de Chassart v ONAFTS — Office national des allocations familiales pour travailleurs salariés

(Case C-619/11)

(2012/C 49/27)

Language of the case: French

Referring court

Tribunal du travail de Bruxelles

Parties to the main proceedings

Applicant: Patricia Dumont de Chassart

Defendant: ONAFTS — Office national des allocations familiales pour travailleurs salariés

Question referred

Does Article 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 (1) breach the general principles of equality and non-discrimination, enshrined, inter alia, in Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, signed at Rome on 4 November 1950, read, where appropriate, in conjunction with Articles 17, 39 and/or 43 of the consolidated version of the Treaty establishing the European Community, when it is interpreted as allowing the rules equating periods of insurance, employment or self-employment laid down in Article 72 of 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 to apply to the deceased parent alone with the consequence that Article 56*bis*(1) of the Laws on