

impression conveyed to the public by the mark in dispute. Consequently, the General Court overstated one or more components of the mark.

In addition, the appellant submits that the General Court breached the obligation to state reasons to the extent that it did not refer to the documents submitted by the intervener in connection with ascertaining whether there was a likelihood of confusion.

Lastly, the appellant submits that the General Court underestimated the importance of the principle that the competent authority has a duty to examine relevant facts of its own motion.

⁽¹⁾ OJ 2009 L 78, p. 1.

Appeal brought on 6 December 2011 by Brighton Collectibles, Inc. against the judgment of the General Court (Second Chamber) delivered on 27 September 2011 in Case T-403/10 Brighton Collectibles v OHIM — Felmar

(Case C-624/11 P)

(2012/C 133/27)

Language of the case: French

Parties

Appellant: Brighton Collectibles, Inc. (represented by: J. Horn, avocat)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) and Felmar

Form of order sought

- Set aside the judgment of the General Court in Case T-403/10;
- Order OHIM to bear its own costs and those of the appellant;
- Order Felmar to bear its own costs if it intervenes in the proceedings.

Pleas in law and main arguments

By the present appeal, the appellant claims that the General Court failed to make a valid assessment of the evidence the appellant submitted to it and failed to give sufficient reasons for its decision with regard to the national laws relied upon, in particular, Irish and UK case-law relating to passing off. Consequently, the General Court infringed the provisions of Article 8(4) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark. ⁽¹⁾

⁽¹⁾ OJ 2009 L 78, p. 1.

Reference for a preliminary ruling from the Bundesverwaltungsgericht (Federal Administrative Court) Leipzig (Germany) lodged on 13 February 2012 — Gemeinde Altrip (Municipality of Altrip), Gebrüder Hört GbR, Willi Schneider v Rhineland-Palatinate

(Case C-72/12)

(2012/C 133/28)

Language of the case: German

Referring court

Bundesverwaltungsgericht (Federal Administrative Court) Leipzig

Parties to the main proceedings

Applicants: Gemeinde Altrip (Municipality of Altrip), Gebrüder Hört GbR, Willi Schneider

Defendant: Rhineland-Palatinate

Questions referred

1. Is Article 6(1) of Directive 2003/35/EC ⁽¹⁾ of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC ⁽²⁾ and 96/61/EC to be interpreted as meaning that Member States were required to declare the rules of national law adopted to implement Article 10a of Directive 85/337/EEC applicable also to those official permit procedures which had been initiated before 25 June 2005 but in which the permits were not issued until after that date?
2. If Question 1 is answered in the affirmative:

Is Article 10a of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, to be interpreted as meaning that Member States were required to extend the applicability of the rules of national law adopted in implementation of Article 10a of Directive 85/337/EEC for the purpose of challenging the procedural legality of a decision to include cases in which an environmental impact assessment was carried out but was incorrect?

3. If Question 2 is answered in the affirmative:

In cases in which, in accordance with Article 10a(1)(b) of Directive 85/337/EEC, the administrative procedural law of a Member State lays down in principle that access to a judicial review procedure for members of the public concerned is conditional upon maintaining the impairment of a right, is Article 10a of Directive 85/337/EEC to be interpreted as meaning