

Community figurative mark is used only in conjunction with a Community word mark which is superimposed over it, and the combination of those two marks is, furthermore, itself registered as a Community trade mark, to the extent that the differences between the form in which that trade mark is used and that in which it was registered do not change the distinctive character of that trade mark as registered.

2. Article 9(1)(b) and (c) of Regulation No 207/2009 must be interpreted as meaning that where a Community trade mark is not registered in colour, but the proprietor has used it extensively in a particular colour or combination of colours with the result that it has become associated in the mind of a significant portion of the public with that colour or combination of colours, the colour or colours which a third party uses in order to represent a sign alleged to infringe that trade mark are relevant in the global assessment of the likelihood of confusion or unfair advantage under that provision.
3. Article 9(1)(b) and (c) of Regulation No 207/2009 must be interpreted as meaning that the fact that the third party making use of a sign which allegedly infringes the registered trade mark is itself associated, in the mind of a significant portion of the public, with the colour or particular combination of colours which it uses for the representation of that sign is relevant to the global assessment of the likelihood of confusion and unfair advantage for the purposes of that provision.

⁽¹⁾ OJ C 227, 28.7.2012.

**Judgment of the Court (First Chamber) of 18 July 2013
(request for a preliminary ruling from the Hof van beroep te Brussel — Belgium) — Citroën Belux NV v Federatie voor Verzekerings- en Financiële Tussenpersonen (FvF)**

(Case C-265/12) ⁽¹⁾

(Article 56 TFEU — Freedom to provide services — Directive 2005/29/EC — Unfair commercial practices — Consumer protection — Combined offers involving at least one financial service — Prohibition — Exceptions)

(2013/C 260/28)

Language of the case: Dutch

Referring court

Hof van beroep te Brussel

Parties to the main proceedings

Applicant: Citroën Belux NV

Defendant: Federatie voor Verzekerings- en Financiële Tussenpersonen (FvF)

Re:

Request for a preliminary ruling — Hof van beroep te Brussel (Belgium) — Interpretation of Article 56 TFEU and of Article 3(9) 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, 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) — National consumer-protection legislation which prohibits generally, subject to exceptions exhaustively set out, any combined offer containing at least one financial service

Operative part of the judgment

Article 3(9) 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, 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 must Article 56 TFEU, as not precluding a national provision, such as that at issue in the main proceedings, which lays down a general prohibition — save in the cases exhaustively listed by the national legislation — of combined offers made to consumers where at least one of the components of those offers is a financial service.

⁽¹⁾ OJ C 258, 25.8.2012.

**Judgment of the Court (Ninth Chamber) of 18 July 2013
(request for a preliminary ruling from the Nejvyšší správní soud — Czech Republic) — Green Swan Pharmaceuticals CR, a.s. v Státní zemědělská a potravinářská inspekce, ústřední inspektorát**

(Case C-299/12) ⁽¹⁾

(Consumer protection — Regulation (EC) No 1924/2006 — Nutrition and health claims made on foods — Article 2(2)(6) — 'Reduction of disease risk claim' — Article 28(2) — Products bearing trade marks or brand names — Transitional measures)

(2013/C 260/29)

Language of the case: Czech

Referring court

Nejvyšší správní soud