Judgment of the Court (Second Chamber) of 16 January 2014 (request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas — Lithuania) — UAB 'Juvelta' v VĮ 'Lietuvos prabavimo rūmai'

(Case C-481/12) ([1])

(Free movement of goods — Article 34 TFEU — Quantitative restrictions on imports — Measures having equivalent effect — Marketing of articles made of precious metals — Hallmark — Requirements laid down in the legislation of the Member State of import)

(2014/C 85/14)

Language of the case: Lithuanian

Referring court

Lietuvos vyriausiasis administracinis teismas

Parties to the main proceedings

Applicant: UAB 'Juvelta'

Defendant: VĮ 'Lietuvos prabavimo rūmai'

Re:

Request for a preliminary ruling — Lietuvos vyriausiasis administracinis teismas — Interpretation of Articles 34 and 36 TFEU — Measures having equivalent effect — Hallmarking of articles of precious metals — National legislation requiring articles to bear a specific hallmark of the authorised independent office — Consumer protection — Prohibition on the marketing of articles bearing a hallmark of the country of origin which does not conform to the national requirements — Presence of an additional mark giving the necessary information but not stamped by the authorised independent office.

Operative part of the judgment

1. *Article 34 TFEU must be interpreted as precluding national legislation, such as that at issue in the main proceedings, under which, for it to be permissible for them to be sold on the market of a Member State, articles of precious metal imported from another Member State, in which they are authorised to be put on the market and which have been stamped with a hallmark in accordance with the legislation of that second Member State, must, where the information concerning the standard of fineness of those articles provided in that hallmark does not comply with the requirements of the legislation of that first Member State, be stamped again, by an independent assay office authorised by that first Member State, with a hallmark confirming that those articles have been inspected and showing their standard of fineness in accordance with those requirements;*

2. *The fact that additional marking of imported articles of precious metal, intended to provide information relating to the standard of fineness of those articles in a form intelligible to consumers of the Member State of import has not been effected by an independent assay office authorised by a Member State has no effect on the answer to the first question, since a hallmark of the standard of fineness had already been stamped on those articles by an independent assay office authorised by the Member State of export and the information provided by that marking is compatible with that on that hallmark.*

([1]) OJ C 9, 12.1.2013.

Judgment of the Court (Sixth Chamber) of 23 January 2014 — Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) v riha WeserGold Getränke GmbH & Co. KG (formerly Wesergold Getränkeindustrie GmbH & Co. KG), Lidl Stiftung & Co. KG

(Case C-558/12 P) ([1])

(Appeal — Community trade mark — Word mark WESTERN GOLD — Opposition by the proprietor of the national, international and Community word marks WeserGold, Wesergold and WESERGOLD)

(2014/C 85/15)

Language of the case: German

Parties

Appellant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: A. Pohlmann, Agent)

Other parties to the proceedings: riha WeserGold Getränke GmbH & Co. KG (formerly Wesergold Getränkeindustrie GmbH & Co. KG) (represented by: T. Melchert, Rechtsanwalt), Lidl Stiftung & Co. KG (represented by: M. Wolter and A.K. Marx, Rechtsanwälte)

Re:

Appeal against the judgment of 21 September 2012 in Case T-278/10 *Wesergold Getränkeindustrie* v *OHIM — Lidl Stiftung*, by which the General Court (First Chamber) annulled the decision of the First Board of Appeal of OHIM of 24 March 2010 (Case R 770/2009-1), relating to opposition proceedings between Wesergold Getränkeindustrie GmbH & Co. KG and Lidl Stiftung & Co. KG — Application for registration as a Community trade mark of the word sign 'WESTERN GOLD' — Likelihood of confusion with the national, international and Community word marks 'WeserGold', 'Wesergold' and 'WESERGOLD' — Infringement of Article 8(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (OJ 2009 L 78, p. 1).

Operative part of the judgment

The Court:

1. *Sets aside the judgment of the General Court of the European Union of 21 September 2012 in Case T-278/10 Wesergold Getränkeindustrie v OHIM — Lidl Stiftung (WESTERN GOLD);*

2. *Refers the case back to the General Court of the European Union;*

3. *Reserves the costs.*

([1]) OJ C 32, 2.2.2013.

Judgment of the Court (Fourth Chamber) of 16 January 2014 (request for a preliminary ruling from the Oberster Gerichtshof — Austria) — Andreas Kainz v Pantherwerke AG

(Case C-45/13) ([1])

(Request for a preliminary ruling — Jurisdiction in civil and commercial matters — Regulation (EC) No 44/2001 — Liability for a defective product — Product manufactured in one Member State and sold in another Member State — Interpretation of the concept of 'the place where the harmful event occurred or may occur' — Place of the event giving rise to the damage)

(2014/C 85/16)

Language of the case: German

Referring court

Oberster Gerichtshof

Parties to the main proceedings

Applicant: Andreas Kainz

Defendant: Pantherwerke AG

Re:

Request for a preliminary ruling — Oberster Gerichtshof — Interpretation of Article 5(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ 2001 L 12, p. 1) — Liability for defective products — Goods manufactured in one Member State and sold in another Member State — Place where the harmful event occurred or may occur — Situation in which the place where the damage occurred ('Erfolgsort') is in the State where the goods were manufactured — Interpretation of the concept of the 'place of the event giving rise to [the damage]' ('Handlungsort').

Operative part of the judgment

Article 5(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters must be interpreted as meaning that, in the case where a manufacturer faces a claim of liability for a defective product, the place of the event giving rise to the damage is the place where the product in question was manufactured.

([1]) OJ C 147, 25.5.2013.

Request for a preliminary ruling from the Tribunalul Sibiu (Romania) lodged on 2 July 2013 — SC Schuster & Co Ecologic SRL v Direcția Generală a Finanțelor Publice a Județului Sibiu

(Case C-371/13)

(2014/C 85/17)

Language of the case: Romanian

Referring court

Tribunalul Sibiu

Parties to the main proceedings

Applicant: SC Schuster & Co Ecologic SRL

Defendant: Direcția Generală a Finanțelor Publice a Județului Sibiu

By Order of 7 November 2013, the Court of Justice (Sixth Chamber) finds that it clearly has no jurisdiction to answer the question referred to it by the Tribunalul Sibiu (Romania).

Request for a preliminary ruling from the Szombathelyi Közigazgatási és Munkaügyi Bíróság (Hungary) lodged on 10 December 2013 — Delphi Hungary Autóalkatrész Gyártó Kft. v Nemzeti Adó- és Vámhivatal Nyugat-dunántúli Regionális Adó Főigazgatósága (NAV)

(Case C-654/13)

(2014/C 85/18)

Language of the case: Hungarian

Referring court

Szombathelyi Közigazgatási és Munkaügyi Bíróság