

Judgment of the Court (Seventh Chamber) of 18 September 2014 — Società Italiana Calzature SpA v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Vicini SpA

(Joined Cases C-308/13 P and C-309/13 P) ⁽¹⁾

(Appeals — Community trade marks — Regulation (EC) No 40/94 — Registration of figurative marks containing the word elements ‘GIUSEPPE ZANOTTI DESIGN’ and ‘BY GIUSEPPE ZANOTTI’ — Opposition by the proprietor of word and figurative, national and community, trade marks, containing the word element ‘ZANOTTI’ — Opposition dismissed by the Board of Appeal)

(2014/C 421/16)

Language of the case: Italian

Parties

Appellant: Società Italiana Calzature SpA (represented by: A. Rapisardi and C. Ginevra, avvocati)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock acting as agent), Vicini SpA (represented by: M. Franzosi and C. Giorgetti, avvocati)

Operative part of the judgment

The Court:

1. Dismisses the appeals;
2. Orders Società Italiana Calzature SpA to pay the costs.

⁽¹⁾ OJ C 233, 10.08.2013.

Judgment of the Court (Third Chamber) of 17 September 2014 (request for a preliminary ruling from the Supremo Tribunal Administrativo — Portugal) — Cruz & Companhia Lda v Instituto de Financiamento da Agricultura e Pescas, IP (IFAP)

(Case C-341/13) ⁽¹⁾

(Reference for a preliminary ruling — Protection of the European Union’s financial interests — Regulation (EC, Euratom) No 2988/95 — Article 3 — Proceedings relating to irregularities — European Agricultural Guidance and Guarantee Fund (EAGGF) — Recovery of export refunds wrongly received — Limitation period — Application of a longer national limitation period — General limitation period — Administrative measures and penalties)

(2014/C 421/17)

Language of the case: Portuguese

Referring court

Supremo Tribunal Administrativo

Parties to the main proceedings

Appellant: Cruz & Companhia Lda

Respondent: Instituto de Financiamento da Agricultura e Pescas, IP (IFAP)

Operative part of the judgment

1. Article 3 of Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities’ financial interests must be interpreted as applying to procedures brought by the national authorities against recipients of European Union aid following irregularities found by the national body responsible for paying the export refunds under the European Agricultural Guidance and Guarantee Fund (EAGGF).

2. The limitation period referred to in the first subparagraph of Article 3(1) of Regulation No 2988/95 is applicable not only to proceedings brought in respect of irregularities leading to the imposition of administrative penalties within the meaning of Article 5 of that regulation, but also to proceedings leading to the adoption of administrative measures within the meaning of Article 4 of that regulation. Although Article 3(3) of that regulation permits Member States to apply longer limitation periods than those of four or three years provided for in the first subparagraph of Article 3(1) thereof, arising from general provisions of law pre-dating the adoption of that regulation, the application of a limitation period of 20 years goes beyond what is necessary to achieve the objective of protecting the European Union's financial interests.

⁽¹⁾ OJ C 260, 7.9.2013.

Judgment of the Court (Second Chamber) of 1 October 2014 — Council of the European Union v Alumina d.o.o., European Commission

(Case C-393/13 P) ⁽¹⁾

(Appeal — Dumping — Implementing Regulation (EU) No 464/2011 — Importation of zeolite A powder originating in Bosnia and Herzegovina — Regulation (EC) No 1225/2009 — Article 2 — Determination of the normal value — Concept of ‘ordinary course of trade’)

(2014/C 421/18)

Language of the case: French

Parties

Appellant: Council of the European Union (represented by: J.-P. Hix, acting as Agent, assisted initially by G.M. Berrisch and subsequently by D. Geradin, avocats)

Other parties to the proceedings: Alumina d.o.o. (represented by: J.-F. Bellis and B. Servais, avocats), European Commission

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the Council of the European Union to pay the costs.

⁽¹⁾ OJ C 274, 21.9.2013.

Judgment of the Court (Second Chamber) of 1 October 2014 (request for a preliminary ruling from the Court of Appeal (England and Wales) (Civil Division) — United Kingdom) — E v B

(Case C-436/13) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Judicial cooperation in civil matters — Regulation (EC) No 2201/2003 — Articles 8, 12 and 15 — Jurisdiction in matters of parental responsibility — Proceedings relating to the custody of a child habitually resident in the Member State of residence of his mother — Prorogation of jurisdiction in favour of a court of the Member State of residence of the father — Scope)

(2014/C 421/19)

Language of the case: English

Referring court

Court of Appeal (England and Wales) (Civil Division)

Parties to the main proceedings

Applicant: E

Defendant: B