

**Order of the Court (Ninth Chamber) of 10 October 2013 (request for a preliminary ruling from the Szombathelyi Törvényszék — Hungary) — Ferenc Tibor Kovács v Vas Megyei Rendőr-főkapitányság**

(Case C-5/13) <sup>(1)</sup>

*(Reference for a preliminary ruling — Article 45 TFEU — Free movement of workers — National legislation under which a driver using a vehicle with foreign registration plates must prove the lawfulness of its use on the spot, during a police inspection, on pain of a fine)*

(2014/C 102/09)

Language of the case: Hungarian

**Referring court**

Szombathelyi Törvényszék

**Parties to the main proceedings**

*Applicant:* Ferenc Tibor Kovács

*Defendant:* Vas Megyei Rendőr-főkapitányság

**Re:**

Request for a preliminary ruling — Szombathelyi Törvényszék — Interpretation of the law on non-discrimination, freedom of movement for workers and the right to a fair trial — National legislation on road traffic under which only vehicles that have administrative authorisation and registration plates granted by the national authorities may be used on the roads in the national territory, and the fulfilment of the requirements which allow a derogation from that provision may be established only during an inspection — Obligation for a person residing in Member State A, working in Member State B and having, for the purposes of travelling to his workplace, the use of a vehicle owned by his employer and bearing registration plates from Member State B, to prove during the police inspection that he is lawfully using the vehicle in Member State A — No possibility for the driver of the vehicle to provide the proof of that lawful use subsequently in an administrative procedure.

**Operative part of the order**

Article 45 TFEU must be interpreted as meaning that that it precludes national legislation, such as that at issue in the main proceedings, under which, in principle, only vehicles that have administrative authorisation and registration plates granted by the Member State in question may be used on the roads in that Member State and a resident of that Member State who seeks to rely on a derogation from that rule, on the ground that he uses a vehicle made available to him by his employer established in another Member State, must be able to prove on the spot, during a police inspection, that he fulfils the requirements for such a derogation, as laid down by the national legislation in question, on pain of the immediate imposition of a fine equivalent to that applicable in the event of infringement of the registration requirement, without there being any possibility of an exemption from that fine.

<sup>(1)</sup> OJ C 114, 20.4.2013.

**Order of the Court (Third Chamber) of 14 November 2013 (request for a preliminary ruling from the Úřad průmyslového vlastnictví — Czech Republic) — MF 7 a.s. v MAFRA a.s.**

(Case C-49/13) <sup>(1)</sup>

*(Article 267 TFEU — Concept of ‘court or tribunal’ — Proceedings intended to lead to a decision of a judicial nature — Independence — Clear lack of jurisdiction of the Court)*

(2014/C 102/10)

Language of the case: Czech

**Referring court**

Úřad průmyslového vlastnictví

**Parties to the main proceedings**

*Applicant: MF 7 a.s.*

*Defendant: MAFRA a.s.*

**Re:**

Request for a preliminary ruling — Úřad průmyslového vlastnictví — Interpretation of Article 3(2)(d) of Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks (OJ 2008 L 299, p. 25) — Criteria for the assessment of bad faith — Influence of circumstances which occurred after the application for registration was filed on the assessment of the good faith of the applicant — Consent by the proprietor of the trade mark to conduct which might limit its exclusive rights — Contracts concluded between the proprietor of the earlier trade mark and the applicant for the later trade mark not governing intellectual property rights — Tolerance of the contested trade mark by the proprietor of an earlier trade mark for a prolonged period.

**Operative part of the order**

*The Court of Justice of the European Union clearly has no jurisdiction to answer the questions referred by the Úřad průmyslového vlastnictví (Czech Republic) in its decision of 22 January 2013.*

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<sup>(1)</sup> OJ C 141, 18.5.2013.

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**Order of the Court (Eighth Chamber) of 12 December 2013 — Getty Images (US) Inc. v Office for Harmonisation in the Internal Market (Trade Marks and Designs)**

(Case C-70/13 P) <sup>(1)</sup>

*(Appeal — Community trade mark — Regulation (EC) No 207/2009 — Article 7(1)(b) and (c) — Absolute grounds for refusal — Lack of distinctiveness — Descriptive character — Word mark PHOTOS.COM — Partial refusal of registration — Equal treatment — Obligation for OHIM to take into account its prior decision-making practice — Appeal partly manifestly inadmissible and partly manifestly unfounded)*

(2014/C 102/11)

Language of the case: English

**Parties**

*Appellant: Getty Images (US) Inc. (represented by: P.G. Olson, advokat)*

*Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, Agent)*

**Re:**

Appeal brought against the judgment of the General Court (Fifth Chamber) of 21 November 2012 in Case T-338/11 *Getty Images v OHIM*, by which the General Court dismissed an action for annulment of Decision R 1831/2010-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 6 April 2011, rejecting the appeal brought against the examiner's decision to partially refuse registration of the word mark 'PHOTOS.COM', for goods in classes 9, 42 and 45 — Article 7(1)(b) and (c), and Article 7(3) of Regulation No 207/2009 — Lack of distinctive character.

**Operative part of the order**

1. *The appeal is dismissed.*
2. *Getty Images (US) Inc. is ordered to pay the costs.*

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<sup>(1)</sup> OJ C 101, 6.4.2013.