Request for a preliminary ruling from the Amtsgericht Wedding (Deutschland) lodged on 14 March 2013 — Rechtsanwaltskanzlei CMS Hasche Sigle, Partnerschaftsgesellschaft v Xceed Holding Ltd.

(Case C-121/13)

(2013/C 164/16)

Language of the case: German

Referring court

Amtsgericht Wedding

Parties to the main proceedings

Applicants: Rechtsanwaltskanzlei CMS Hasche Sigle, Partnerschaftsgesellschaft

Defendant: Xceed Holding Ltd.

Questions referred

1. Must Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure [1] be interpreted to mean that a defendant may apply for a review by the competent court of the European order for payment also where the order for payment was not served on him or not effectively served on him? In those circumstances, may recourse be had, *mutatis mutandis*, in particular to Article 20(1) or Article 20(2) of Regulation No 1896/2006?

2. If the answer to Question 1 is in the affirmative:

   What are the legal consequences for the procedure if the application for review is successful; may recourse be had in that connection, *mutatis mutandis*, in particular to Article 20(3) or Article 17(1) of Regulation No 1896/2006?

[1] OJ 2006 L 399, p. 1.

Appeal brought on 15 March 2013 by BSH Bosch and Siemens Hausgeräte GmbH against the judgment of the General Court (Fourth Chamber) delivered on 15 January 2013 in Case T-625/11 BSH Bosch and Siemens Hausgeräte GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-126/13 P)

(2013/C 164/17)

Language of the case: German

Parties

Appellant: BSH Bosch and Siemens Hausgeräte GmbH (represented by: S. Biagosch, Rechtsanwalt)

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

Form of order sought

The appellant claims the Court of Justice should:

— set aside the judgment of the General Court (Fourth Chamber) of 15 January 2013 in Case T-625/1, in so far as the General Court found that the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) did not infringe Article 7(1)(c) of Regulation (EC) No 207/2009 [1] in its decision of 22 September 2011 (Case R 340/2011-1);

— annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 September 2011 (Case R 340/2011-1), in so far as, by that decision, the Board partially rejected the registration of the mark ecoDoor on the basis of Article 7(1)(b) and (c) of Regulation (EC) No 207/2009;

in the alternative

— refer the case back to the General Court for judgment;

— order OHIM to pay of the costs of both instances.

Grounds of Appeal and main arguments1

This appeal has been brought against the judgment of the General Court (Fourth Chamber) of 15 January 2013 in Case T-625/11, by which the General Court rejected the action brought by BSH Bosch and Siemens Hausgeräte GmbH against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 September 2011 (Case R 340/2011-1), in which the application for registration of the mark ecoDoor was partially rejected on the basis of Article 7(1)(b) and (c) of Regulation (EC) No 207/2009.

The appellant basis its appeal on the following ground of appeal:

It claims that Article 7(1)(c) of Regulation (EC) No 207/2009 has been infringed since the mark ecoDoor — which is not at all descriptive of the goods rejected by OHM, but, at best, only of part of those goods, namely a door — can be regarded as descriptive of the relevant goods only if the relevant part is so important for the goods that it would be automatically associated, in trade, with them. This is the case only where, in the eyes of consumers, the relevant part plays a fundamental role in the goods. This is not the case for a door which forms

part of the goods applied for, with the result that registration cannot be precluded on the basis of Article 7(1)(c) of Regulation (EC) No 207/2009.

(1) Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark (codified version) (OJ 2009 L 78, p. 1).

Request for a preliminary ruling from the Landgericht Köln (Germany) lodged on 18 March 2013 — Zentrale zur Bekämpfung unlauteren Wettbewerbs eV v ILME GmbH

(Case C-132/13)

(2013/C 164/18)

Language of the case: German

Referring court

Landgericht Köln

Parties to the main proceedings

Applicant: Zentrale zur Bekämpfung unlauteren Wettbewerbs eV

Defendant: ILME GmbH

Question referred

Are Articles 1, 8 and 10 of, and Annexes II, IV and III to, Directive 2006/95/EC of the European Parliament and of the Council of 12 December 2006 on the harmonisation of the laws of Member States relating to electrical equipment designed for use within certain voltage limits (1) to be interpreted in such a way that housings ***as a component*** of multipole connectors for industrial purposes are ***not*** to have a 'CE' marking affixed to them?

(1) OJ 2006 L 374, p. 10.

Request for a preliminary ruling from the Rechtbank Den Haag (Netherlands) lodged on 28 March 2013 — Hamidullah Rajaby v Staatssecretaris van Veiligheid en Justitie

(Case C-158/13)

(2013/C 164/19)

Language of the case: Dutch

Referring court

Rechtbank Den Haag

Parties to the main proceedings

Applicant: Hamidullah Rajaby

Defendant: Staatssecretaris van Veiligheid en Justitie

Questions referred

1. In the circumstances of the present dispute, in which there appears to be an evident infringement of European Union law which will continue to have consequences in the future, and in which, in the administrative phase, the parties exchanged views on the applicability of Article 14 of Regulation No 343/2003 (1) which they did not address again during the court proceedings, but on which the applicant also did not expressly rely during the court proceedings, is it contrary to European Union law if the court, by reason of the prohibition in national law on initiating a review of its own motion, does not address that issue?

2. Do the circumstances of the present dispute constitute dependency within the meaning of Article 15(2) of Regulation No 343/2003, that is to say, where the family members are a young woman without any education, from Afghanistan, who is accompanied by two children currently of 5½ and 3 years of age who are in her care and in relation to whose care and education she cannot rely on anyone other than her husband and father of the children, and on whose asylum application, moreover, a negative decision has been taken by the defendant because her account was considered to be wholly unbelievable, and that account can be supported by the statements of the applicant and by the (copies of the) documents which he has brought with him?

(1) Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ 2003 L 50, p. 1).

Request for a preliminary ruling from the Tribunal administratif de Melun (France) lodged on 3 April 2013 — Sophie Mukarubega v Préfet de police, Préfet de la Seine-Saint-Denis

(Case C-166/13)

(2013/C 164/20)

Language of the case: French

Referring court

Tribunal administratif de Melun

Parties to the main proceedings

Applicant: Sophie Mukarubega

Defendants: Préfet de police, Préfet de la Seine-Saint-Denis