



## Reports of Cases

### Case C-49/13

**MF 7 a.s.**  
**v**  
**MAFRA a.s.**

(Request for a preliminary ruling from the Úřad průmyslového vlastnictví)

(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)

Summary — Order of the Court (Third Chamber), 14 November 2013

*Questions referred for a preliminary ruling — Reference to the Court — Court or tribunal of a Member State for the purposes of Article 267 TFEU — Concept — Úřad průmyslového vlastnictví (Industrial Property Office) — Not included*

(Art. 267 TFEU)

In order to determine whether a body making a reference is a ‘court or tribunal’ for the purposes of Article 267 TFEU, which is a question governed by EU law alone, the Court takes account of a number of factors, such as whether the body is established by law, whether it is permanent, whether its jurisdiction is compulsory, whether its procedure is *inter partes*, whether it applies rules of law and whether it is independent.

In particular, a national body cannot be regarded as a ‘court or tribunal’ for the purposes of Article 267 TFEU in circumstances where it decides matters before it by performing non-judicial functions, such as functions of an administrative nature.

The guarantees of independence and impartiality, which are necessary for a body to be regarded as a ‘court or tribunal’ for the purposes of Article 267 TFEU, require rules, particularly as regards the composition of the body and the appointment, length of service and the grounds for abstention, rejection and dismissal of its members, which are capable of dispelling any reasonable doubt in the minds of individuals as to the imperviousness of that body to external factors and its neutrality with respect to the interests before it.

(see paras 15, 16, 23)