

Judgment of the Court (Fourth Chamber) of 3 September 2015 (request for a preliminary ruling from the Fővárosi Törvényszék — Hungary) — Iron & Smith kft v Unilever NV

(Case C-125/14) ⁽¹⁾

(Request for a preliminary ruling — Trade marks — Registration of a national trade mark identical with, or similar to, an earlier Community trade mark — Community trade mark having a reputation in the European Union — Geographical extent of the reputation)

(2015/C 354/07)

Language of the case: Hungarian

Referring court

Fővárosi Törvényszék

Parties to the main proceedings

Applicant: Iron & Smith kft

Defendant: Unilever NV

Operative part of the judgment

- 1) Article 4(3) 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 must be interpreted as meaning that, if the reputation of an earlier Community mark is established in a substantial part of the territory of the European Union, which may, in some circumstances, coincide with the territory of a single Member State, which does not have to be the State in which the application for the later national mark was filed, it must be held that that mark has a reputation in the European Union. The criteria laid down by the case-law concerning the genuine use of the Community trade mark are not relevant, as such, in order to establish the existence of a 'reputation' within the meaning of Article 4(3) thereof.
- 2) If the earlier Community trade mark has already acquired a reputation in a substantial part of the territory of the European Union, but not with the relevant public in the Member State in which registration of the later national mark concerned by the opposition has been applied for, the proprietor of the Community trade mark may benefit from the protection introduced by Article 4(3) of Directive 2008/95 where it is shown that a commercially significant part of that public is familiar with that mark, makes a connection between it and the later national mark, and that there is, taking account of all the relevant factors in the case, either actual and present injury to its mark, for the purposes of that provision or, failing that, a serious risk that such injury may occur in the future.

⁽¹⁾ OJ C 175, 10.6.2014.

Judgment of the Court (Second Chamber) of 2 September 2015 (request for a preliminary ruling from the Augstākā Tiesa — Latvia) — Andrejs Surmačs v Finanšu un kapitāla tirgus komisija

(Case C-127/14) ⁽¹⁾

(Request for a preliminary ruling — Directive 94/19/EC — Point 7 of Annex I — Deposit-guarantee scheme — Exclusion of certain depositors from the deposit-guarantee scheme — Exclusion of a 'manager')

(2015/C 354/08)

Language of the case: Latvian

Referring court

Augstākā Tiesa