

Appeal brought on 11 April 2014 by Mega Brands International, Luxembourg, Zweigniederlassung Zug against the judgment of the General Court (Second Chamber) delivered on 4 February 2014 in Cases T-604/11 and T-292/12: Mega Brands International, Luxembourg, Zweigniederlassung Zug v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-182/14 P)

(2014/C 223/03)

Language of the case: English

Parties

Appellant: Mega Brands International, Luxembourg, Zweigniederlassung Zug (represented by: A. Nordemann, M.C. Maier, Rechtsanwälte)

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

Form of order sought

The appellant claims that the Court should:

- annul the contested judgment of the General Court of 4 February 2014 as far as it concerns Case T-292/12,
- if necessary, remit the case back to the General Court,
- order the Defendant to bear the costs of the proceedings.

Pleas in law and main arguments

The appellant bases its appeal on a single plea, alleging infringement of article 8(1)(b) of Council Regulation (EC) N° 207/2009 ⁽¹⁾, of 26 February 2009, on the Community trade mark.

Specifically the appellant submits that the General Court erred in law:

- 1) in not taking into consideration, or even mentioning, in the framework of a global assessment, that the earlier trade mark, MAGNET 4, consists of the number '4';
- 2) in considering, at paragraphs 22 and 25 of its judgment, the element MAGNET as the dominant element of the earlier trademark, MAGNET 4;
- 3) in applying, at paragraph 25, different standards to the assessment of the phonetic and visual similarities of the signs MAGNET 4 and MAGNEXT;
- 4) by not taking into account, at paragraph 35, in the framework of a global appreciation of the likelihood of confusion, the interdependence of the relevant factors, in particular the low level of distinctiveness of the earlier mark, MAGNET 4, the lack of conceptual similarity of the signs MAGNET 4 and MAGNEXT, and the weak degree of phonetic and visual similarities of the signs;
- 5) in not providing substantive grounds, in paragraph 35, with regard to the existence of a likelihood of confusion between the signs MAGNET 4 and MAGNEXT

⁽¹⁾ OJ L 78, p. 1

Request for a preliminary ruling from the Juzgado de Primera Instancia No 58 de Madrid (Spain) lodged on 15 April 2014 — Juan Pedro Ludeña Hormigos v Banco Santander, S.A.

(Case C-188/14)

(2014/C 223/04)

Language of the case: Spanish

Referring court

Juzgado de Primera Instancia No 58 de Madrid

Parties to the main proceedings

Applicant: Juan Pedro Ludeña Hormigos

Defendant: Banco Santander, S.A.

Questions referred

1. Is Article 22.1 of Law 16/09 of 13 November on payment services compatible with Community law, insofar as it allows a bank to apply and/or increase the cost of services by changing the conditions initially agreed upon?
2. Is it sufficient protection for that user that he may terminate the contract without charge?
3. Are contractual terms agreed between the parties that provide the same options as those provided for in the provision referred to in the first question lawful?
4. Lastly, if the reply to the foregoing questions is affirmative, is the notice period of two months compatible with Community law?

Action brought on 16 April 2014 — European Commission v Kingdom of Denmark

(Case C-190/14)

(2014/C 223/05)

Language of the case: Danish

Parties

Applicant: European Commission (represented by: E. Manhaeve, U. Nielsen, acting as Agents)

Defendant: Kingdom of Denmark

Form of order sought

- Declare that, by failing to publish the final river basin management plans by 22 December 2009 and by failing to send a copy thereof to the Commission by 22 March 2010 and, in any event, by having failed to inform the Commission thereof, the Kingdom of Denmark has failed to fulfil its obligations under Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy; ⁽¹⁾
- order the Kingdom of Denmark to pay the costs.

Pleas in law and main arguments

Denmark has repeatedly acknowledged — most recently by reply of 18 December 2013 to the Commission's supplementary reasoned opinion — that none of Denmark's four river basin districts are currently covered by a river basin management plan, and that a copy of the final river basin management plans for the six-year period ending 22 December 2015 has not been sent to the Commission.

The Commission finds that Denmark has still not complied with Article 13(1), (2) and (6) of the Directive. According to Denmark's reply of 8 May 2013, the infringement of Article 13 of the Directive may be expected to continue until May 2014 (approximately 3,5 years after the prescribed time limit). Furthermore, it is the Commission's view that Denmark has still not complied with the requirements of Article 15(1) of the Directive, under which the time limit for informing the Commission was set at 22 March 2010.

⁽¹⁾ OJ 2000 L 327, p. 1.
