

**Judgment of the Court (Sixth Chamber) of 21 January 2016 — Kurt Hesse v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Hubert Ampferl, as insolvency administrator of Lutter & Partner GmbH, formerly Lutter & Partner GmbH, Dr. Ing. h.c. F. Porsche AG**

(Case C-50/15 P) <sup>(1)</sup>

**(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) and (5) — Word mark Carrera — Opposition by the proprietor of the national and Community word marks CARRERA — Likelihood of confusion — Reputation acquired by the earlier mark)**

(2016/C 098/18)

Language of the case: German

**Parties**

Appellant: Kurt Hesse (represented by: M. Krogmann, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Schifko, acting as Agent), Hubert Ampferl, as insolvency administrator of Lutter & Partner GmbH, formerly Lutter & Partner GmbH, Dr. Ing. h.c. F. Porsche AG (represented by: E. Stolz, Rechtsanwalt)

**Operative part of the judgment**

The Court:

1. Dismisses the appeal;
2. Orders Mr Kurt Hesse to pay the costs.

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<sup>(1)</sup> OJ C 138, 27.4.2015.

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**Judgment of the Court (Tenth Chamber) of 14 January 2016 — European Commission v Hellenic Republic**

(Case C-66/15) <sup>(1)</sup>

**(Failure of a Member State to fulfil obligations — Freedom to provide services — Motor vehicles — Hiring or leasing of a motor vehicle by a resident of a Member State from a supplier established in another Member State — Taxation of that vehicle at the time it is registered in the first Member State — Levy of the full amount of vehicle registration tax)**

(2016/C 098/19)

Language of the case: Greek

**Parties**

Applicant: European Commission (represented by: Wasmeier and D. Triantafyllou, acting as Agents)

Defendant: Hellenic Republic (represented by: K. Boskovits and V. Karrá, acting as Agents)

**Operative part of the judgment**

The Court:

- 1) Declares that, by levying the full amount of registration tax provided for under its national legislation at the time of registration of a vehicle hired or leased by a customer resident in its territory from a supplier established in another Member State, without taking into consideration the duration of the hire or lease contract and the duration of use of that vehicle in the national territory of Greece, the Hellenic Republic failed to fulfil its obligations under Articles 56 to 62 TFEU;

2. Orders the Hellenic Republic to pay the costs.

<sup>(1)</sup> OJ C 138, 27.4.2015.

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**Judgment of the Court (Second Chamber) of 21 January 2016 (request for a preliminary ruling from the Markkinaoikeus — Finland) — Viiniverla Oy v Sosiaali- ja terveystieteiden lupa- ja valvontavirasto**

(Case C-75/15) <sup>(1)</sup>

**(Reference for a preliminary ruling — Protection of geographical indications of spirit drinks — Regulation (EC) No 110/2008 — Article 16(b) — Evocation — Cider spirits produced in Finland and placed on the market as ‘Verlados’ — Protected geographical indication ‘Calvados’)**

(2016/C 098/20)

Language of the case: Finnish

**Referring court**

Markkinaoikeus

**Parties to the main proceedings**

Applicant: Viiniverla Oy

Defendant: Sosiaali- ja terveystieteiden lupa- ja valvontavirasto

**Operative part of the judgment**

1. Article 16(b) of Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 must be interpreted as meaning that, in order to assess whether there is an ‘evocation’ within the meaning of that provision, the national court is required to refer to the perception of the average consumer who is reasonably well informed and reasonably observant and circumspect, that concept being understood as covering European consumers and not only consumers of the Member State in which the product giving rise to the evocation of the protected geographical indication is manufactured.
2. Article 16(b) of Regulation No 110/2008 must be interpreted as meaning that, in order to assess whether the name ‘Verlados’ constitutes an ‘evocation’ within the meaning of that provision of the protected geographical indication ‘Calvados’ with respect to similar products, the referring court must take into consideration the phonetic and visual relationship between those names and any evidence that may show that such a relationship is not fortuitous, so as to ascertain whether, when the average European consumer, reasonably well informed and reasonably observant and circumspect, is confronted with the name of a product, the image triggered in his mind is that of the product whose geographical indication is protected.
3. Article 16(b) of Regulation No 110/2008 must be interpreted as meaning that the use of a name classified as an ‘evocation’ within the meaning of that provision of a geographical indication referred to in Annex III to that regulation may not be authorised, even in the absence of any likelihood of confusion.

<sup>(1)</sup> OJ C 138, 27.4.2015.