

Operative part of the judgment

Article 1 of Council Decision 2004/817/EC of 19 November 2004 authorising Germany to apply a measure derogating from Article 17 of Sixth Directive 77/388/EEC on the harmonisation of the laws of the Member States relating to turnover taxes must be interpreted as meaning that it does not apply to a situation in which the goods or services that an undertaking acquires are used, to an extent greater than 90 %, for non-economic activities, which fall outside the scope of value added tax.

⁽¹⁾ OJ C 363, 3.11.2015.

Judgment of the Court (Eighth Chamber) of 22 September 2016 — Pensa Pharma SA v European Union Intellectual Property Office, Ferring BV, Farmaceutisk Laboratorium Ferring A/S

(Case C-442/15 P) ⁽¹⁾

(Appeal — EU trade mark — Word mark PENZA PHARMA — Figurative mark pensa — Applications for a declaration of invalidity of the holders of the word marks pentasa — Declaration of invalidity — Proceedings before EUIPO — Change in the subject matter of the proceedings — New plea before the General Court)

(2016/C 419/28)

Language of the case: English

Parties

Appellant: Pensa Pharma SA (represented by: R. Kunze and G. Würtenberger, Rechtsanwälte)

Other party to the proceedings: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent), Ferring BV, Farmaceutisk Laboratorium Ferring A/S (represented by: I. Fowler, Solicitor, and D. Slopek, Rechtsanwalt)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Pensa Pharma SA to pay the costs.

⁽¹⁾ OJ C 414, 14.12.2015.

Judgment of the Court (Sixth Chamber) of 21 September 2016 (request for a preliminary ruling from the Finanzgericht Baden-Württemberg — Germany) — Peter Radgen, Lilian Radgen v Finanzamt Ettlingen

(Case C-478/15) ⁽¹⁾

(Reference for a preliminary ruling — Taxation — Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons — Equal treatment — Income tax — Exemption of income derived from part-time employment as a teacher with a legal person governed by public law established in a Member State of the European Union or in a State to which the Agreement on the European Economic Area of 2 May 1992 applies — Legislation of a Member State excluding from that exemption income derived from such employment with a legal person governed by public law established in Switzerland)

(2016/C 419/29)

Language of the case: German

Referring court

Finanzgericht Baden-Württemberg