

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Request for a preliminary ruling from the Landgericht Hamburg (Germany) lodged on 25 January 2016 — Irene Uhden v KLM Royal Dutch Airlines N.V.**

(Case C-40/16)

(2016/C 175/03)

*Language of the case: German*

**Referring court**

Landgericht Hamburg

**Parties to the main proceedings**

*Applicant:* Irene Uhden

*Defendant:* KLM Royal Dutch Airlines N.V.

**Question referred**

Is the second sentence of Article 7(1) of Regulation (EC) No 261/2004<sup>(1)</sup> of the European Parliament and of the Council of 11 February 2004 establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91 ('the air passenger rights regulation') to be interpreted as meaning that the concept of 'distance' relates only to the direct distance between the point of departure and the last destination, regardless of the distance actually flown in the individual case?

---

<sup>(1)</sup> OJ 2004 L 46, p. 1.

---

**Appeal brought on 29 January 2016 by Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) against the judgment of the General Court (Fourth Chamber) delivered on 18 November 2015 in Case T-659/14: Instituto dos Vinhos do Douro e do Porto, IP v OHIM**

(Case C-56/16 P)

(2016/C 175/04)

*Language of the case: English*

**Parties**

*Appellant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: O. Mondéjar Ortuño and E. Zaera Cuadrado, Agents)

*Other parties to the proceedings:* Instituto dos Vinhos do Douro e do Porto, IP, Bruichladdich Distillery Co.Ltd

**Form of order sought**

The appellant claims that the Court should:

- uphold the appeal in its entirety;
- annul the judgment under appeal;
- order the applicant before the General Court to pay the costs.

**Pleas in law and main arguments**

The General Court infringed Article 53(1)(c) of Regulation (EC) No 207/2009 <sup>(1)</sup>, read in conjunction with Article 8(4), and Article 53(2)(d) of Regulation (EC) No 207/2009 by considering that the protection conferred by Regulation (EC) No 491/2009 <sup>(2)</sup> to registered designations of origin can be supplemented by Decreto-Lei No 173/2009 and Decreto-Lei No 212/2004 and the Portuguese Intellectual Property Code.

<sup>(1)</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark OJ L 78, p. 1

<sup>(2)</sup> Council Regulation (EC) No 491/2009 of 25 May 2009 amending Regulation (EC) No 1234/2007 establishing a common organization of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) OJ L 154, p. 1

---

**Request for a preliminary ruling from the Szegedi Közigazgatási és Munkaügyi Bíróság (Hungary)  
lodged on 8 February 2016 — Istanbul Lojistik Ltd v Nemzeti Adó- és Vámhivatal Fellebbviteli  
Igazgatóság**

**(Case C-65/16)**

(2016/C 175/05)

*Language of the case: Hungarian*

**Referring court**

Szegedi Közigazgatási és Munkaügyi Bíróság

**Parties to the main proceedings**

*Applicant:* Istanbul Lojistik Ltd

*Defendant:* Nemzeti Adó- és Vámhivatal Fellebbviteli Igazgatóság

**Questions referred**

1. Must Article 4 of Decision No 1/95 of the [EC]-Turkey Association Council be interpreted as meaning that a tax such as that governed by the Hungarian Law on motor vehicle tax, which, in accordance with that Law, is levied on a goods vehicle with a Turkish registration number operated by a Turkish haulier and used for the carriage of goods, by reason of the fact that it crosses the Hungarian border in order to arrive at another Member State — starting from Turkey and passing through Hungary as the transit Member State — constitutes a charge having equivalent effect to a customs duty and is not, therefore, compatible with Article 4 of that decision?
2. (a) If the answer to the first question is no, must Article 5 of Decision No 1/95 of the [EC]-Turkey Association Council be interpreted as meaning that a tax such as that governed by the Hungarian Law on motor vehicle tax, which, in accordance with that Law, is levied on a goods vehicle with a Turkish registration number operated by a Turkish haulier and used for the carriage of goods, by reason of the fact that it crosses the Hungarian border in order to arrive at another Member State — starting from Turkey and passing through Hungary as the transit Member State — constitutes a measure having equivalent effect to a quantitative restriction and is not, therefore, compatible with Article 5 of that decision?