

**Question referred**

Is the notion of 'shape' within the meaning of Article 3(1)(e)(iii) of Directive 2008/95/EC <sup>(1)</sup> ('Form', 'vorm' and 'forme' in the German, Dutch and French language versions of the Trade Marks Directive respectively) limited to the three-dimensional properties of the goods, such as their contours, measurements and volume (expressed three-dimensionally), or does it include other (non three-dimensional) properties of the goods, such as their colour?

<sup>(1)</sup> 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 (Codified version) (OJ 2008 L 299, p. 25).

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**Request for a preliminary ruling from the Amtsgericht Düsseldorf (Germany) lodged on 25 March 2016 — Ljiljana Kammerer, Frank Kammerer v Swiss International Air Lines AG**

(Case C-172/16)

(2016/C 211/40)

*Language of the case: German*

**Referring court**

Amtsgericht Düsseldorf

**Parties to the main proceedings**

*Applicants:* Ljiljana Kammerer, Frank Kammerer

*Defendant:* Swiss International Air Lines AG

**Question referred**

Is the Agreement on air transport between the Swiss Confederation and the European Community of 21 June 1999, as amended by Decision No 2/2010 of the Community/Switzerland Air Transport Committee of 26 November 2010, to be interpreted as meaning that Regulation (EC) No 261/2004 <sup>(1)</sup> is also applicable, in accordance with Article 3(1)(a) thereof, to passengers who intend to land in an airport in Switzerland on a flight from a third country?

<sup>(1)</sup> Regulation (EC) No 261/2004 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 (OJ 2004 L 46, p. 1).

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**Reference for a preliminary ruling from Court of Appeal (Ireland) made on 29 March 2016 — M.H. v M.H.**

(Case C-173/16)

(2016/C 211/41)

*Language of the case: English*

**Referring court**

Court of Appeal

**Parties to the main proceedings**

*Applicant:* M.H.

*Defendant:* M.H.

**Question referred**

Is 'the time when the document instituting the proceedings ... is lodged with the court' in Article 16.1(a) of Regulation 2201/2003 <sup>(1)</sup> to be interpreted as meaning:-

- i) the time at which the document instituting the proceedings is received by the court even if such receipt does not of itself immediately commence the proceedings in accordance with national law; or
- ii) the time at which, following receipt of the document instituting the proceedings by the court, the proceedings are commenced in accordance with national law.

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<sup>(1)</sup> Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 OJ L 338, p. 1

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**Appeal brought on 31 March 2016 by Tilly-Sabco against the judgment of the General Court (Fifth Chamber) delivered on 14 January 2016 in Case T-397/13 *Tilly-Sabco v Commission***

**(Case C-183/16 P)**

(2016/C 211/42)

*Language of the case: French*

**Parties**

*Appellant:* Tilly-Sabco (represented by: R. Milchior, F. Le Roquais and S. Charbonnel, avocats)

*Other party to the proceedings:* European Commission

**Form of order sought**

The appellant claims that the Court should:

- set aside the judgment of the General Court of 14 January 2016 in Case T-397/13, except as regards the admissibility of the action;
- decide, in accordance with Article 61 of the Statute of the Court of Justice of the European Union, to give final judgment in the matter itself and annul Commission Implementing Regulation (EU) No 689/2013 of 18 July 2013 fixing the export refunds on poultry meat <sup>(1)</sup> at zero;
- order the Commission to pay the costs both at first instance and on appeal.

**Grounds of appeal and main arguments**

The appellant relies on four grounds in support of its appeal.