

**Judgment of the Court (Second Chamber) of 19 April 2018 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Peek & Cloppenburg KG, Hamburg v Peek & Cloppenburg KG, Düsseldorf**

(Case C-148/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Trade-mark law — Directive 2008/95/EC — Article 14 — Establishment a posteriori of the invalidity or revocation of a trade mark — Date on which the conditions for revocation or invalidity must be met — Regulation (EC) No 207/2009 — EU trade mark — Article 34 (2) — Claiming the seniority of an earlier national trade mark — Effects of that claim on the earlier national mark)*

(2018/C 200/20)

Language of the case: German

**Referring court**

Bundesgerichtshof

**Parties to the main proceedings**

Applicant: Peek & Cloppenburg KG, Hamburg

Defendant: Peek & Cloppenburg KG, Düsseldorf

**Operative part of the judgment**

Article 14 of 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, read in conjunction with Article 34(2) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark, must be interpreted as precluding an interpretation of national legislation according to which the invalidity or revocation of an earlier national mark, the seniority of which is claimed for an EU mark, may be established a posteriori only if the conditions for that invalidity or that revocation were met, not only on the date on which that earlier national mark was surrendered or the date on which it lapsed, but also on the date on which the judicial decision making that finding is taken.

<sup>(1)</sup> OJ C 231, 17.7.2017.

**Judgment of the Court (Ninth Chamber) of 19 April 2018 (request for a preliminary ruling from the Consiglio di Stato — Italy) — Consorzio Italian Management and Catania Multiservizi SpA v Rete Ferroviaria Italiana SpA**

(Case C-152/17) <sup>(1)</sup>

*(Reference for a preliminary ruling — Procurement procedures of entities operating in the water, energy, transport and postal services sectors — Directive 2004/17/EC — Obligation to review prices after the award of the contract — No such obligation in Directive 2004/17/EC or arising from the general principles underlying Article 56 TFEU and Directive 2004/17/EC — Cleaning and maintenance services linked to railway transport operations — Article 3(3) TEU — Articles 26, 57, 58 and 101 TFEU — Lack of sufficient information concerning the factual context of the dispute in the main proceedings and the reasons justifying the need for a reply to the questions referred — Inadmissibility — Article 16 of the Charter of Fundamental Rights of the European Union — Provision of national law not implementing EU law — Lack of jurisdiction)*

(2018/C 200/21)

Language of the case: Italian

**Referring court**

Consiglio di Stato

**Parties to the main proceedings**

*Applicants:* Consorzio Italian Management and Catania Multiservizi SpA

*Defendant:* Rete Ferroviaria Italiana SpA

**Operative part of the judgment**

Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors, as amended by Commission Regulation (EU) No 1251/2011 of 30 November 2011, and the general principles underlying that directive are to be interpreted as not precluding national rules, such as those at issue in the main proceedings, which do not provide for periodic price review after a contract has been awarded in the sectors covered by that directive.

<sup>(1)</sup> OJ C 213, 3.7.2017.

**Judgment of the Court (Third Chamber) of 17 April 2018 (requests for a preliminary ruling from the Amtsgericht Hannover, Amtsgericht Düsseldorf — Germany) — Helga Krüsemann and Others (C-195/17), Thomas Neufeldt and Others (C-197/17), Ivan Wallmann (C-198/17), Rita Hoffmeyer (C-199/17), Rudolf Meyer (C-199/17), Susanne de Winder (C-200/17), Holger Schlosser (C-201/17), Nicole Schlosser (C-201/17), Peter Rebbe and Others (C-202/17), Eberhard Schmeer (C-203/17), Brigitte Wittmann (C-226/17), Reinhard Wittmann (C-228/17), Regina Lorenz (C-254/17), Prisca Sprecher (C-254/17), Margarethe Yüce and Others (Case C-274/17), Friedemann Schoen (C-275/17), Brigitta Schoen (C-275/17), Susanne Meyer and Others (Case C-278/17), Thomas Kiehl (C-279/17), Ralph Eßer (C-280/17), Thomas Schmidt (C-281/17), Werner Ansorge (C-282/17), Herbert Blesgen (C-283/17), Simone Künnecke and Others (Case C-284/17), Marta Gentile (C-285/17), Marcel Gentile (C-285/17), Gabriele Ossenbeck (C-286/17), Angelina Fell and Others (Case C-290/17), Helga Jordan-Grompe and Others (Case C-291/17), EUflight.de GmbH (C-292/17) v TUIfly GmbH**

(Joined Cases C-195/17, C-197/17 to C-203/17, C-226/17, C-228/17, C-254/17, C-274/17, C-275/17, C-278/17 to C-286/17 and C-290/17 to C-292/17) <sup>(1)</sup>

(References for a preliminary ruling — Transport — Common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights — Regulation (EC) No 261/2004 — Article 5(3) — Article 7(1) — Right to compensation — Exemption — ‘Extraordinary circumstances’ — ‘Wildcat strike’)

(2018/C 200/22)

Language of the case: German

**Referring courts**

Amtsgericht Hannover, Amtsgericht Düsseldorf

**Parties to the main proceedings**

*Applicants:* Helga Krüsemann and Others (C-195/17), Thomas Neufeldt and Others (C-197/17), Ivan Wallmann (C-198/17), Rita Hoffmeyer (C-199/17), Rudolf Meyer (C-199/17), Susanne de Winder (C-200/17), Holger Schlosser (C-201/17), Nicole Schlosser (C-201/17), Peter Rebbe and Others (C-202/17), Eberhard Schmeer (C-203/17), Brigitte Wittmann (C-226/17), Reinhard Wittmann (C-228/17), Regina Lorenz (C-254/17), Prisca Sprecher (C-254/17), Margarethe Yüce and Others (Case C-274/17), Friedemann Schoen (C-275/17), Brigitta Schoen (C-275/17), Susanne Meyer and Others (Case C-278/17), Thomas Kiehl (C-279/17), Ralph Eßer (C-280/17), Thomas Schmidt (C-281/17), Werner Ansorge (C-282/17), Herbert Blesgen (C-283/17), Simone Künnecke and Others (Case C-284/17), Marta Gentile (C-285/17), Marcel Gentile (C-285/17), Gabriele Ossenbeck (C-286/17), Angelina Fell and Others (Case C-290/17), Helga Jordan-Grompe and Others (Case C-291/17), EUflight.de GmbH (C-292/17)

*Defendant:* TUIfly GmbH