

**Request for a preliminary ruling from the Corte costituzionale (Italy) lodged on 26 January 2017 —  
M.A.S., M.B.**

**(Case C-42/17)**

(2017/C 195/14)

*Language of the case: Italian*

**Referring court**

Corte costituzionale

**Parties to the main proceedings**

M.A.S., M.B.

**Questions referred**

1. Is Article 325(1) and (2) of the Treaty on the Functioning of the European Union to be interpreted as requiring the criminal court to disapply national legislation on limitation periods which precludes, in a significant number of cases, the punishment of serious fraud affecting the financial interests of the European Union, or which imposes shorter limitation periods for fraud affecting the financial interests of the European Union than for fraud affecting the financial interests of the State, even where there is no sufficiently precise legal basis for such disapplication?
2. Is Article 325(1) and (2) of the Treaty on the Functioning of the European Union to be interpreted as requiring the criminal court to disapply national legislation on limitation periods which precludes, in a significant number of cases, the punishment of serious fraud affecting the financial interests of the European Union, or which imposes shorter limitation periods for fraud affecting the financial interests of the European Union than for fraud affecting the financial interests of the State, even where, in the legal system of the Member State concerned, limitation periods form part of substantive criminal law and are subject to the principle of the legality of criminal proceedings?
3. Is the judgment of the Grand Chamber of the Court of Justice of the European Union of 8 September 2015 in Case C-104/15, *Taricco*, to be interpreted as requiring the criminal court to disapply national legislation on limitation periods which precludes, in a significant number of cases, the punishment of serious fraud affecting the financial interests of the European Union, or which imposes shorter limitation periods for fraud affecting the financial interests of the European Union than for fraud affecting the financial interests of the State, even where such disapplication is at variance with the overriding principles of the constitution of the Member State concerned or with the inalienable rights of the individual conferred by the constitution of the Member State?

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**Appeal brought on 23 February 2017 by Verus Eood against the judgment of the General Court  
(Ninth Chamber) of 7 July 2016 in Case T-82/14, *Copernicus-Trademarks v European Union Intellectual  
Property Office (EUIPO)***

**(Case C-101/17 P)**

(2017/C 195/15)

*Language of the case: German*

**Parties**

*Appellant:* Verus Eood (represented by: C. Pfitzer, Rechtsanwalt)

*Other parties to the proceedings:* European Union Intellectual Property Office, Maquet

**Form of order sought**

The appellant claims that the Court should:

— set aside the judgment in Case T-82/14 in its entirety;

in the alternative: set aside the judgment in Case T-82/14 and, on the basis of a distortion of the facts in that judgment, refer the case back to the General Court;

— order the respondent to pay the costs of the proceedings in all instances.

### Grounds of appeal and main arguments

The appellant puts forward the following grounds in support of its appeal:

- (1) infringement of Regulation No 207/2009 of 26 February 2009, <sup>(1)</sup> in particular Article 52 thereof
- (2) infringement of Regulation No 207/2009 of 26 February 2009, in particular Article 75 thereof
- (3) infringement of Regulation No 207/2009 of 26 February 2009, in particular Article 76 thereof
- (4) infringement of the case-law of the Court of Justice of the European Union on ‘trade mark applications made in bad faith’
- (5) infringement of the ‘fundamental rights catalogue’ of the Court of Justice of the European Union
- (6) infringement of international law, namely the Paris Convention for the Protection of Industrial Property
- (7) infringement of international law, namely the TRIPS Agreement (Agreement on Trade-Related Aspects of Intellectual-Property Rights)
- (8) infringement of Article 16 of the Charter of Fundamental Rights of the European Union
- (9) infringement of Article 17(2) of the Charter of Fundamental Rights of the European Union
- (10) infringement of Article 47 of the Charter of Fundamental Rights of the European Union
- (11) infringement of Article 17 of the ‘1948 Universal Declaration of Human Rights’
- (12) infringement of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) and its additional protocols, in particular Article 1 of Protocol No 1
- (13) infringement of Article 6 ECHR — Right to a fair trial, in particular relating to distorted or false findings of fact, imputations, false accusations, denigrations, libel, slander

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

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**Request for a preliminary ruling from the Tribunal Superior de Justicia del País Vasco (Spain) lodged on 21 March 2017 — José Luis Cabana Carballo v Instituto Nacional de la Seguridad Social (INSS) and Tesorería General de la Seguridad Social (TGSS)**

(Case C-141/17)

(2017/C 195/16)

*Language of the case: Spanish*

### Referring court

Tribunal Superior de Justicia del País Vasco

### Parties to the main proceedings

*Appellant:* José Luis Cabana Carballo

*Respondents:* Instituto Nacional de la Seguridad Social (INSS), Tesorería General de la Seguridad Social (TGSS)