Parties to the main proceedings

Applicant: Patent-och registreringsverket

Defendant: Mats Hansson

Questions referred

1. Must Article 4(1)(b) of the Trade Marks Directive ([1]) be interpreted as meaning that the global assessment of all relevant factors which is to be made in an assessment of the likelihood of confusion may be affected by the fact that an element of the trade mark has expressly been excluded from protection on registration, that is to say, that a so-called disclaimer has been entered on registration?

2. If the answer to the first question is in the affirmative, can the disclaimer in such a case affect the global assessment in such a way that the competent authority has regard to the element in question but gives it a more limited importance so that it is not regarded as being distinctive, even if the element would de facto be distinctive and prominent in the earlier trade mark?

3. If the answer to the first question is in the affirmative and the answer to the second question in the negative, can the disclaimer even so affect the global assessment in any other way?

([1]) 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 (OJ 2008, L 299, p. 25).

Request for a preliminary ruling from the Østre Landsret (Denmark) lodged on 22 December 2017 — A

(Case C-716/17)

(2018/C 083/20)

Language of the case: Danish

Referring court

Østre Landsret

Parties to the main proceedings

Applicants: A

Questions referred

1. Does Article 45 TFEU, as interpreted following the EU Court of Justice's judgment of 8 November 2012 in Case C-461/11, ([1]) preclude a rule on jurisdiction such as the Danish one, the aim of which is to ensure *that* the court hearing a case involving debt relief has knowledge of and can take account in its assessment of the specific socio-economic situation in which the debtor and his or her family live and must be assumed will continue to live going forward, and *that* the assessment may be carried out according to previously-determined criteria establishing what can be deemed to be an acceptably modest standard of living under the debt relief arrangement?

If the answer to question 1 is that the restriction cannot be held to be justified, the EU Court of Justice is asked to answer the following question:

2. Must Article 45 TFEU be interpreted as also having direct effect as between private parties in a situation such as the present one, with the result that private creditors must accept reductions or total loss of amounts owed to them by a debtor who has moved to another country?

(1) Judgment of the Court of Justice of 8 November 2012, ECLI:EU:C:2012:704.

Request for a preliminary ruling from the Korkein oikeus (Finland) lodged on 22 December 2017 — Vantaan kaupunki v Skanska Industrial Solutions Oy, NCC Industry Oy, Asfaltmix Oy

(Case C-724/17)

(2018/C 083/21)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Appellant: Vantaan kaupunki

Respondents: Skanska Industrial Solutions Oy, NCC Industry Oy, Asfaltmix Oy

Questions referred

1. Is the determination of which parties are liable for the compensation of damage caused by conduct contrary to Article 101 TFEU to be done by applying that article directly or on the basis of national provisions?

2. If the parties liable are determined directly on the basis of Article 101 TFEU, are those parties which fall within the concept of undertaking mentioned in that article liable for compensation? When determining the parties liable for compensation, are the same principles to be applied as the Court of Justice has applied to determining the parties liable in cases concerning penalty payments, in accordance with which liability may be founded in particular on belonging to the same economic unit or on economic continuity?

3. If the parties liable are determined on the basis of national provisions of a Member State, are national rules under which a company which, after acquiring the entire share capital of a company which took part in a cartel contrary to Article 101 TFEU, has dissolved the company in question and continued its activity is not liable for compensation for the damage caused by the anti-competitive conduct of the company in question, even though obtaining compensation form the dissolved company is impossible in practice or unreasonably difficult, contrary to the EU law requirement of effectiveness? Does the requirement of effectiveness preclude an interpretation of a Member State's domestic law making it a condition of compensation for damage that a transformation of the kind described has been implemented unlawfully or artificially in order to avoid liability for compensation for damage under competition law or otherwise fraudulently, or at least that the company knew or ought to have known of the competition infringement when implementing the transformation?

Action brought on 22 December 2017 — European Commission v Hellenic Republic

(Case C-729/17)

(2018/C 083/22)

Language of the case: Greek

Parties

Applicant: European Commission (represented by: H. Tserepa-Lacombe and H. Støvlbæk, acting as Agents)

Defendant: Hellenic Republic