

Request for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 21 August 2018 — AS v Deutsches Patent- und Markenamt

(Case C-541/18)

(2018/C 436/25)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: AS

Defendant: Deutsches Patent- und Markenamt

Question referred

Does a sign have distinctive character when there are in practice significant and obvious possibilities for it to be used as an indication of origin in respect of goods or services, even if this is not the most likely form of use of the sign? ⁽¹⁾

⁽¹⁾ Interpretation of Article 3(1)(b) 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 (OJ 2008 L 299, p. 25).

Reference for a preliminary ruling from the Upper Tribunal (United Kingdom) made on 20 August 2018 — HM Revenue & Customs v HD

(Case C-544/18)

(2018/C 436/26)

Language of the case: English

Referring court

Upper Tribunal

Parties to the main proceedings

Applicant: HM Revenue & Customs

Defendant: HD

Question referred

Must Article 49 TFEU be interpreted as meaning that such a person, who ceases self-employed activity in circumstances where there are physical constraints in the late stages of pregnancy and the aftermath of childbirth, retains the status of being self-employed, within the meaning of that Article, provided she returns to economic activity or seeking work within a reasonable period after the birth of her child?

Request for a preliminary ruling from the Saarländisches Oberlandesgericht (Germany) lodged on 23 August 2018 — BGL BNP Paribas SA v TeamBank AG Nürnberg

(Case C-548/18)

(2018/C 436/27)

Language of the case: German

Referring court

Saarländisches Oberlandesgericht

Parties to the main proceedings

Appellant: BGL BNP Paribas SA

Respondent: TeamBank AG Nürnberg

Questions referred

1. Is Article 14 of Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I Regulation)⁽¹⁾ applicable to the third-party effects of multiple assignments of claims?
2. If the first question is to be answered in the affirmative, to which law are the third-party effects subject in this case?
3. If the first question is to be answered in the negative, is that provision applicable *mutatis mutandis*?
4. If the third question is to be answered in the affirmative, to which law are the third-party effects subject in this case?

⁽¹⁾ OJ 2008 L 177, p. 6.

Action brought on 27 August 2018 — European Commission v Ireland

(Case C-550/18)

(2018/C 436/28)

Language of the case: English

Parties

Applicant: European Commission (represented by: L. Flynn, T. Scharf, G. von Rintelen, Agents)

Defendant: Ireland

The applicant claims that the Court should:

- declare that, in relation to Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ 2015, L 141, p. 73), Ireland has failed to adopt by 26 June 2017 at the latest all provisions transposing that Directive or, in any event, has failed to notify the Commission of any such measures, such that Ireland has failed to fulfil its obligations under Article 67(1) of that Directive;
- impose a penalty payment on Ireland pursuant to Article 260(3) TFEU in the amount of EUR 17 190,60, with effect from the date of the judgment of the Court, for failure to fulfil its obligation to notify measures transposing Directive (EU) 2015/849;
- impose the payment of a lump sum on Ireland pursuant to Article 260(3) TFEU in the amount of daily amount of EUR 4 701,20 per day multiplied by the number of days of continued infringement with the minimum lump sum of EUR 1 685 000; and
- order Ireland to pay the costs.