

Request for a preliminary ruling from the Oberlandesgericht Düsseldorf (Germany) lodged on 17 September 2019 — mk advokaten GbR v MBK Rechtsanwälte GbR

(Case C-684/19)

(2019/C 413/32)

Language of the case: German

Referring court

Oberlandesgericht Düsseldorf

Parties to the main proceedings

Appellant: mk advokaten GbR

Respondent: MBK Rechtsanwälte GbR

Question referred

Does a third party referred to in an entry published on a website that contains a sign identical to a trade mark 'use' that trade mark, within the meaning of Article 5(1) of Directive 2008/95/EC, ⁽¹⁾ if the entry was not placed there by the third party itself, but was taken by the website's operator from another entry that the third party had placed in infringement of the trade mark?

⁽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).

Action brought on 20 September 2019 — European Commission v Kingdom of Spain

(Case C-704/19)

(2019/C 413/33)

Language of the case: Spanish

Parties

Applicant: European Commission (represented by: B. Stromsky and P. Němečková, acting as Agents)

Defendant: Kingdom of Spain

Form of order sought

The applicant claims that the Court should:

- declare that, by failing to take, within the time limits prescribed, all the measures necessary to recover from the principal beneficiary, Telecom Castilla-La Mancha SA., the State aid declared illegal and incompatible with the internal market by Article 1 of Commission Decision (EU) 2016/1385 of 1 October 2014 on State aid SA.27408 (C 24/10) (ex NN 37/10, ex CP 19/09) granted by the authorities of Castilla-La Mancha for the deployment of digital terrestrial television in remote and less urbanised areas of Castilla-La Mancha ⁽¹⁾ (published in the Official Journal of the European Union L 222 of 17 August 2016, p. 52), by failing to establish the cancellation of all outstanding payments of that aid, and by failing to communicate to the Commission, within the time limit prescribed, the measures adopted to comply with that decision, the Kingdom of Spain has failed to fulfil its obligations under Article 288(4) TFEU and Articles 3 and 4 of that decision;