

Reference for a preliminary ruling from the High Court of Justice (Chancery Division) (United Kingdom) made on 2 October 2019 – Beverly Hills Teddy Bear Company v PMS International Group

(Case C-728/19)

(2019/C 423/33)

Language of the case: English

Referring court

High Court of Justice (Chancery Division)

Parties to the main proceedings

Applicant: Beverly Hills Teddy Bear Company

Defendant: PMS International Group

Questions referred

1. For the protection of an unregistered Community design to come into being under art. 11 of Council Regulation (EC) No. 6/2002 ⁽¹⁾ of 12 December 2001 ('the Regulation'), by the design being made available to the public within the meaning of art. 11(1), must an event of disclosure, within the meaning of art.11(2), take place within the geographical confines of the Community, or is it sufficient that the event, wherever it took place, was such that, in the normal course of business, the event could reasonably have become known to the circles specialised in the sector concerned, operating within the Community (assuming the design was not disclosed in confidence within the terms of the final sentence of art.11(2))?
2. Is the date for assessing the novelty of a design for which unregistered Community design protection is claimed, within the meaning of art.5(l)(a) of the Regulation, the date on which the unregistered Community design protection for the design came into being according to art.11 of the Regulation, or alternatively the date on which the relevant event of disclosure of the design, within the meaning of art.7(1) of the Regulation, could reasonably have become known in the normal course of business to the circles specialised in the sector concerned, operating within the Community (assuming that the design was not disclosed in confidence within the terms of the final sentence of art.7(1)), or alternatively some other, and if so, which date?

⁽¹⁾ Council Regulation (EC) No 6/2002 of 12 December 2001 on Community designs (OJ 2002, L 3, p. 1).

Reference for a preliminary ruling from the Court of Appeal in Northern Ireland (United Kingdom) made on 2 October 2019 – TKF v Department of Justice for Northern Ireland

(Case C-729/19)

(2019/C 423/34)

Language of the case: English

Referring court

Court of Appeal in Northern Ireland

Parties to the main proceedings

Applicant: TKF

Defendant: Department of Justice for Northern Ireland

Questions referred

1. Must Article 75(2) of the Maintenance Regulation EC 4/2009 ⁽¹⁾ be interpreted as applying only to 'decisions' which were given in States that were member states of the EU at the time those decisions were made?
2. Bearing in mind that Poland is now a Member State of the European Union which is bound by the Hague Protocol, are maintenance decisions made by a Court in Poland in 1999 and 2003, that is, prior to Poland becoming a member state of the European Union, now capable of being registered and enforced in another EU Member State pursuant to any part of EC Regulation 4/2009 (the Maintenance Regulation), and in particular:
 - (a) pursuant to Article 75(3) and Article 56 of the Maintenance regulation;
 - (b) pursuant to Article 75(2) and Section 2 of Chapter IV of the Maintenance regulation;
 - (c) pursuant to Article 75(2)(a) and Section 3 of Chapter IV of the Maintenance regulation;
 - (d) pursuant to any other Articles of the Regulation?

⁽¹⁾ Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (OJ 2009, L 7, p. 1).

Action brought on 4 October 2019 — Kingdom of the Netherlands v Council of the European Union, European Parliament

(Case C-733/19)

(2019/C 423/35)

Language of the case: Dutch

Parties

Applicant: Kingdom of the Netherlands (represented by: M. Bulterman, M. Noort and P. Huurnink, acting as Agents)

Defendants: Council of the European Union, European Parliament

Form of order sought

The applicant claims that the Court should:

- principally, annul:
 - point 1 of Part D of Annex V in relation to the pulse-fishing ban;
 - point 2 of Part D of Annex V to the extent that there is mention of a transition period, and to the extent that there is mention of a condition to allow no more than 5 % of the beam trawler fleet to fish with the beam trawl using electric current (point 2(a)), and
 - points 3, 4 and 5 of Part D of Annex V to the contested regulation ⁽¹⁾;