

Reference for a preliminary ruling from the Bundespatentgericht, by order of that court of 14 April 2000 in the appeal proceedings brought by Dr Ralf Sieckmann

(Case C-273/00)

(2000/C 259/15)

Reference has been made to the Court of Justice of the European Communities by order of the Bundespatentgericht (Federal Patents Court) of 14 April 2000, received at the Court Registry on 10 July 2000, for a preliminary ruling in the appeal proceedings brought by Dr Ralf Sieckmann on the following questions:

1. Is Article 2 of the First Council Directive of 21 December 1988 to approximate the laws of the Member States relating to trade marks (89/104/EEC)⁽¹⁾ to be interpreted as meaning that the expression 'signs capable of being represented graphically' covers only those signs which can be reproduced directly in their visible form or is it also to be construed as meaning signs — such as odours or sounds — which cannot be perceived visually per se but can be reproduced indirectly using certain aids?
2. If the first question is answered in terms of a broad interpretation, are the requirements of graphic representability set out in Article 2 satisfied where an odour is reproduced
 - (a) By a chemical formula;
 - (b) By a description (to be published);
 - (c) By means of a deposit, or
 - (d) By a combination of the abovementioned surrogate reproductions?

⁽¹⁾ OJ L of 11 February 1989, p. 1.

Reference for a preliminary ruling from the Hof van Beroep te Gent, by order of that court of 28 June 2000 in the case of the European Community, acting through the European Commission, against (1) First N.V. and (2) Franex N.V.

(Case C-275/00)

(2000/C 259/16)

Reference has been made to the Court of Justice of the European Communities by order of the Hof van Beroep te Gent (Court of Appeal, Ghent) of 28 June 2000, received at the Court Registry on 12 July 2000, for a preliminary ruling in the case of the European Community, acting through the European Commission, against (1) First N.V. and (2) Franex N.V. on the following question:

Must the second paragraph of Article 288 EC (formerly the second paragraph of Article 215 of the EC Treaty) be interpreted as meaning that, where an application is made for an order requiring the Commission of the European Communities to participate in an expert assessment which has already been ordered as against the Belgian State, on the basis that the assessment procedure and the expert's final report are to be declared common to the parties and binding on the Commission of the European Communities; and the expert's tasks in that connection include *inter alia* an examination of the responses and behaviour of the Commission of the European Communities, its bodies and employees from the time it became aware of the dioxin contamination, and of the appropriateness of the measures taken by it and the impact thereof on the adverse effects and damage sustained by the respondents; and the application in question is made with a view to the subsequent institution of substantive proceedings regarding the respective liability of the Belgian State and the European Community in respect of the dioxin crisis, that application constitutes a non-contractual liability claim over which the Court of Justice of the European Communities, alternatively the Court of First Instance of the European Communities, has exclusive jurisdiction?

Reference for a preliminary ruling by the Hessisches Finanzgericht by order of that court of 21 February 2000 in the case of Turbon International GmbH against Oberfinanzdirektion Koblenz Zoll- und Verbrauchsteuerabteilung

(Case C-276/00)

(2000/C 259/17)

Reference has been made to the Court of Justice of the European Communities by order of the Hessisches Finanzgericht of 21 February 2000, received at the Court Registry on 12 July 2000, for a preliminary ruling in the case of Turbon International GmbH against Oberfinanzdirektion Koblenz Zoll und Verbrauchsteuerabteilung on the following question:

Is a compatible ink-jet cartridge, consisting of an ink cartridge (plastic casing, cellular material, metal screen, seals, tape seal, labels), ink and packing materials, where both the ink cartridge and the ink can be used solely in an Epson Stylus Color printer,

- to be classified under code number 3215 90 80 as a disposable, ink-filled cartridge (without integrated print head) for ink-jet printers