Reference for a preliminary ruling by the Tribunale di Roma (District Court, Rome) by order of that court of 7 April 2004 in the case of Stefano Macrino and Claudia Capodarte against Roberto Meloni

(Case C-202/04)

(2004/C 179/11)

Reference has been made to the Court of Justice of the European Communities by order of the Tribunale di Roma (District Court, Rome) (Italy) of 7 April 2004, received at the Court Registry on 6 May 2004, for a preliminary ruling in the case of Stefano Macrino and Claudia Capodarte against Roberto Meloni on the following question:

Do Articles 5 and 85 of the EC Treaty (now Articles 10 and 81 EC) preclude a Member State from adopting a law or regulation which approves, on the basis of a draft produced by a professional body of members of the Bar, a tariff fixing minimum and maximum fees for members of the profession in respect of services rendered in connection with activities (so-called non-court work) that are not reserved to members of the Bar but may be performed by anyone?

Appeal brought on 10 May 2004 by Mülhens GmbH & Co. KG against the judgment delivered on 3 March 2004 by the Fourth Chamber of the Court of First Instance of the European Communities in case T-355/02 between Mülhens GmbH & Co. KG and the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), the other party to the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) being Zirh International Corp.

(Case C-206/04 P)

(2004/C 179/12)

An appeal against the judgment delivered on 3 March 2004 by the Fourth Chamber of the Court of First Instance of the European Communities in case T-355/02 [1] between Mülhens GmbH & Co. KG and the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM), the other party to the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) being Zirh International Corp., was brought before the Court of Justice of the European Communities on 10 May 2004 by Mülhens GmbH & Co. KG, established in Cologne (Germany), represented by T. Schulte-Beckhausen, lawyer.

The Appellant claims that the Court should:

1. annul the decision of the Court of First Instance of the European Communities of 3 March 2004 (Case T-355/02) and also the decision of the Second Board of Appeal of the defendant and appellee of 1 October 2002 (Case No. R-657/2001-2);
2. order the defendant and appellee to pay the costs in total.

Pleas in law and main arguments:

The appellant submits that, given the similarity of the goods and services in question and the similarity in sound of the opposed marks, the Court of First Instance should have come to the conclusion that there is a likelihood of confusion between the opposed marks, pursuant to Article 8(1)(b) of Regulation No 40/94 [2].

The appellant therefore maintains that the Court of First Instance has misconstrued the requirements of Article 8(1)(b) and that the contested judgment should be annulled.

[1] OJ C 70, 22.03.2003, p. 23.
[2] Of 20 December 1993 on the Community trade mark (OJ L 11, 14.01.1994, p. 1), as amended.

Reference for a preliminary ruling by the Commissione Tributaria Provinciale (Provincial Tax Court), Novara (Italy), by order of that court of 26 April 2004, in the case of Paolo Vergani against Agenzia Entrate Ufficio Arona (Revenue Agency, Arona Office)

(Case C-207/04)

(2004/C 179/13)

Reference has been made to the Court of Justice of the European Communities by order of the Commissione Tributaria Provinciale (Provincial Tax Court), Novara (Italy), of 26 April 2004, received at the Court Registry on 10 May 2004, for a preliminary ruling in the case of Paolo Vergani against Agenzia Entrate Ufficio Arona (Revenue Agency, Arona Office) on the following question:

Does Article 17(4a) of Decree No 917/86 of the President of the Republic infringe, conflict with or in any event create conditions of unequal treatment as between men and women prohibited by Article 141 of the European Union Treaty (previously Article 119) in so far as, in like circumstances, it grants the advantage of taxation of voluntary redundancy incentives and of sums paid in connection with termination of employment relationships at a rate reduced to one-half (50 %) for workers who have passed the age of 50 years in the case of women and the age of 55 years in the case of men [1]?

[1] OJ L 39, 14 February 1976, p. 40.