

**Reference for a preliminary ruling from the Arios Pagos by decision of that court of 9 June 2005 in Athinaiki Khar-topiia A.E. v L. Panagiotidis and Others**

(Case C-270/05)

(2005/C 217/56)

(Language of the case: Greek)

Reference has been made to the Court of Justice of the European Communities by decision of the Arios Pagos (Supreme Court of Cassation) of 9 June 2005, received at the Court Registry on 1 July 2005, for a preliminary ruling in the proceedings between Athinaiki Khartopiia A.E. and L. Panagiotidis and Others on the following question:

Does the operating unit whose staff were made collectively redundant by the employer in derogation from the procedures for informing and consulting with the workers' representatives which are envisaged in Article 1(2)(d) of Directive 75/129, Article 2(4) of Directive 92/56 and Article 4(4) of Directive 98/59 fall within the meaning of the Community term 'establishment', for the purpose of applying the Council directives referred to in the grounds of this decision and Law 1387/1983 concerning 'control of collective redundancies and other provisions'?

**Reference for a preliminary ruling from the Hof van Beroep, Antwerp by judgment of that court of 30 June 2005 in 1. ..., 2. ... and 3. Bowens, Werner Constant Maria**

(Case C-272/05)

(2005/C 217/57)

(Language of the case: Dutch)

Reference has been made to the Court of Justice of the European Communities by judgment of the Hof van Beroep, Antwerp of 30 June 2005, received at the Court Registry on 5 July 2005, for a preliminary ruling in the proceedings between 1. ..., 2. ... and 3. Bowens, Werner Constant Maria on the following question:

1. 'Must Article 54 of the Convention of 19 June 1990 implementing the Schengen Agreement, read in conjunction with

Article 71 thereof, be construed as meaning that offences of possession for the purposes of export and import in respect of the same narcotic drugs and psychotropic substances and which are prosecuted as exports and imports respectively in different countries which have signed the Convention implementing the Schengen Agreement, are deemed to be the "same acts", as referred to in Article 54 of that Convention?'

**Reference for a preliminary ruling from the Oberster Gerichtshof by order of that court of 24 May 2005 in The Wellcome Foundation Ltd. v Paranova Pharmazeutika Handels GmbH**

(Case C-276/05)

(2005/C 217/58)

(Language of the case: German)

Reference has been made to the Court of Justice of the European Communities by order of the Oberster Gerichtshof (Supreme Court, Austria) of 24 May 2005, received at the Court Registry on 6 July 2005, for a preliminary ruling in the proceedings between The Wellcome Foundation Ltd. and Paranova Pharmazeutika Handels GmbH on the following questions:

1. a. Are Article 7 of the Trade Marks Directive [First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks] <sup>(1)</sup> and the case-law of the Court of Justice of the European Communities which has been pronounced on it to be interpreted as meaning that proof that reliance on the trade mark would contribute to an artificial partitioning of the market must be furnished not only as regards the repackaging in itself, but also as regards the presentation of the new packaging?

If the answer to this question is in the negative:

b. Is the presentation of the new packaging to be measured against the principle of minimum intervention or (only) against whether it is such as to damage the reputation of the trade mark and its proprietor?