

JUDGMENT OF THE COURT

(Second Chamber)

of 6 October 2005

in Case C-120/04: reference for a preliminary ruling from the Oberlandesgericht Düsseldorf in Medion AG v Thomson multimedia Sales Germany & Austria GmbH ⁽¹⁾

(Trade marks — Directive 89/104/EEC — Article 5(1)(b) — Likelihood of confusion — Use of the trade mark by a third party — Composite sign including the name of another party followed by the trade mark)

(2005/C 296/11)

(Language of the case: German)

In Case C-120/04: reference for a preliminary ruling under Article 234 EC from the Oberlandesgericht Düsseldorf (Germany), made by decision of 17 February 2004, received at the Court on 5 March 2004, in the proceedings between Medion AG and Thomson multimedia Sales Germany & Austria GmbH — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, C. Gulmann (Rapporteur), R. Schintgen, G. Arestis and J. Klučka, Judges; F.G. Jacobs, Advocate General; K. Sztranc, Administrator, for the Registrar, gave a judgment on 6 October 2005, the operative part of which is as follows:

Article 5(1)(b) of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks is to be interpreted as meaning that where the goods or services are identical there may be a likelihood of confusion on the part of the public where the contested sign is composed by juxtaposing the company name of another party and a registered mark which has normal distinctiveness and which, without alone determining the overall impression conveyed by the composite sign, still has an independent distinctive role therein.

⁽¹⁾ OJ C 106 of 30.04.2004.

JUDGMENT OF THE COURT

(Second Chamber)

of 13 October 2005

in Case C-200/04: Reference for a preliminary ruling from the Bundesfinanzhof, Finanzamt Heidelberg v ISt internationale Sprach- und Studienreisen GmbH ⁽¹⁾

(Sixth VAT Directive — Special scheme for travel agents and tour operators — Article 26(1) — Scope — Package comprising travel to the host State and/or the stay in that State and language tuition — Principal service and ancillary service — Definition — Directive 90/314/EEC on package travel, package holidays and package tours)

(2005/C 296/12)

(Language of the case: German)

In Case C-200/04: reference for a preliminary ruling under Article 234 EC from the Bundesfinanzhof (Germany), made by decision of 18 March 2004, received at the Court on 5 May 2004, in the proceedings between Finanzamt Heidelberg and ISt internationale Sprach- und Studienreisen GmbH — the Court (Second Chamber), composed of C.W.A. Timmermans, President of the Chamber, R. Schintgen, R. Silva de Lapuerta, P. Kūris and G. Arestis (Rapporteur), Judges; M. Poiares Maduro, Advocate General; M. Ferreira, Principal Administrator, for the Registrar, gave a judgment on 13 October 2005, the operative part of which is as follows:

Article 26 of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment, should be interpreted as meaning that it applies to a trader who offers services such as the 'High School' and 'College' programmes involving the organisation of language and study trips abroad and which, in consideration of the payment of an all-inclusive sum, provides in its own name to its customers a stay abroad of three to 10 months and buys in services from other taxable persons for that purpose.

⁽¹⁾ OJ C 190 of 24.07.2004.