

Reference for a preliminary ruling from the College van Beroep voor het bedrijfsleven lodged on 16 November 2009 — 1. IMC Securities BV, 2. Stichting Autoriteit Financiële Markten

(Case C-445/09)

(2010/C 24/53)

Language of the case: Dutch

Referring court

College van Beroep voor het bedrijfsleven

Parties to the main proceedings

Applicants: 1. IMC Securities BV 2. Stichting Autoriteit Financiële Markten

Question referred

Must the second indent of Article 1(2)(a) of the Market Abuse Directive ⁽¹⁾ be interpreted as meaning that the bringing about of price changes in a time span such as that at issue through the commission of a combination of acts with a financial instrument, namely transactions and orders to trade as described ..., should be regarded as the 'securing' of such an instrument at an abnormal or artificial level?

⁽¹⁾ Directive 2003/6/EC of the European Parliament and of the Council of 28 January 2003 on insider dealing and market manipulation (market abuse) (OJ 2003 L 96, p. 16)

Reference for a preliminary ruling from the Rechtbank van eerste aanleg te Antwerpen (Belgium), lodged on 17 November 2009 — Koninklijke Philips Electronics NV v Lucheng Meijing Industrial Company Ltd and Others

(Case C-446/09)

(2010/C 24/54)

Language of the case: Dutch

Referring court

Rechtbank van eerste aanleg te Antwerpen

Parties to the main proceedings

Claimant: Koninklijke Philips Electronics NV

Defendants: Lucheng Meijing Industrial Company Ltd and Others

Question referred

Does Article 6(2)(b) of Regulation (EC) No 3295/94 ⁽¹⁾ of 22 December 1994 (the old Customs Regulation) constitute a uniform rule of Community law which must be taken into account by the court of the Member State which, in accordance with Article 7 of the Regulation, has been approached by the holder of an intellectual-property right, and does that rule imply that, in making its decision, the court may not take into account the temporary storage status/transit status and must apply the fiction that the goods were manufactured in that same Member State, and must then decide, by applying the law of that Member State, whether those goods infringe the intellectual-property right in question?

⁽¹⁾ Council Regulation (EC) No 3295/94 of 22 December 1994 laying down measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods (OJ 1994 L 341, p. 8).

Reference for a preliminary ruling from the Bundesarbeitsgericht (Germany), lodged on 18 November 2009 — Reinhard Prigge, Michael Fromm and Volker Lambach v Deutsche Lufthansa AG

(Case C-447/09)

(2010/C 24/55)

Language of the case: German

Referring court

Bundesarbeitsgericht

Parties to the main proceedings

Appellants: Reinhard Prigge, Michael Fromm and Volker Lambach

Respondent: Deutsche Lufthansa AG

Question referred

Must Article 2(5), Article 4(1) and/or Article 6(1), first sentence, of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ⁽¹⁾ and/or the general Community-law principle