

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Kyocera Mita Europe BV to pay the costs.

⁽¹⁾ OJ C 46, 9.2.2015.

Judgment of the Court (Sixth Chamber) of 10 December 2015 (request for a preliminary ruling from the Bundesgerichtshof — Germany) — Simona Kornhaas v Thomas Dithmar, acting as liquidator of the assets of Kornhaas Montage und Dienstleistung Ltd

(Case C-594/14) ⁽¹⁾

(Reference for a preliminary ruling — Area of freedom, security and justice — Insolvency proceedings — Regulation (EC) No 1346/2000 — Article 4(1) — Determination of the applicable law — Legislation of a Member State laying down the obligation for a managing director of a company to reimburse that company for the payments made after it had become insolvent — Application of that legislation to a company established in another Member State — Articles 49 TFEU and 54 TFEU — Restriction on the freedom of establishment — None)

(2016/C 048/07)

Language of the case: German

Referring court

Bundesgerichtshof

Parties to the main proceedings

Applicant: Simona Kornhaas

Defendant: Thomas Dithmar, acting as liquidator of the assets of Kornhaas Montage und Dienstleistung Ltd

Operative part of the judgment

1. Article 4 of Council Regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings must be interpreted as meaning that Article 4 of Regulation No 1346/2000 must be interpreted as meaning that an action directed against the managing director of a company established under the law of England and Wales, forming the subject of insolvency proceedings opened in Germany, brought before a German court by the liquidator of that company and seeking, on the basis of a national provision such as the first sentence of Paragraph 64(2) of the Law on limited liability companies, reimbursement of payments made by that managing director before the opening of the insolvency proceedings but after the date on which the insolvency of that company was established, falls within its scope.
2. Article 49 TFEU and Article 54 TFEU do not preclude the application of a national provision, such as the first sentence of Paragraph 64(2) of the Law on limited liability companies to a managing director of a company established under the law of England and Wales which is the subject of insolvency proceedings opened in Germany.

⁽¹⁾ OJ C 127, 20.4.2015.

Judgment of the Court (Ninth Chamber) of 10 December 2015 — El Corte Inglés, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-603/14 P) ⁽¹⁾

(Appeal — Community trade mark — Application for the word mark The English Cut — Opposition by the proprietor of the national and Community word and figurative marks including the word elements ‘El Corte Inglés’ — Regulation (EC) No 207/2009 — Article 8(1)(b) — Likelihood of confusion — Article 8(5) — Risk that the relevant public will make a connection with a trade mark which has a reputation — Degree of similarity required)

(2016/C 048/08)

Language of the case: Spanish

Parties

Appellant: El Corte Inglés, SA (represented by: J. Rivas Zurdo, abogado)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 15 October 2014 in *El Corte Inglés v OHIM — English Cut (The English Cut)* (T-515/12, EU:T:2014:882) in so far as it was held in that judgment that it was apparent from the fact that the degree of similarity between the signs at issue was not sufficient to result in the application of Article 8(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark that the conditions for the application of Article 8(5) of that regulation were therefore also not satisfied in the present case;
2. Dismisses the appeal as to the remainder;
3. Refers the case back to the General Court of the European Union;
4. Reserves the costs.

⁽¹⁾ OJ C 107, 30.3.2015.

Judgment of the Court (Seventh Chamber) of 10 December 2015 (request for a preliminary ruling from the Finanzgericht Düsseldorf — Germany) — TSI GmbH v Hauptzollamt Aachen

(Case C-183/15) ⁽¹⁾

(Reference for a preliminary ruling — Common Customs Tariff — Tariff classification — Combined Nomenclature — Sub-heading 9027 10 10 — Ultraviolet aerodynamic particle sizer spectrometers — Handheld particle counters)

(2016/C 048/09)

Language of the case: German

Referring court

Finanzgericht Düsseldorf