

**Judgment of the Court (Sixth Chamber) of 21 September 2016 (request for a preliminary ruling from the Hof van beroep te Brussel — Belgium) — Criminal proceedings against Etablissements Fr. Colruyt NV**

(Case C-221/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Directive 2011/64/EU — Article 15(1) — Free determination, by the manufacturers and importers, of the maximum retail selling prices of manufactured tobacco products — National regulation prohibiting the sale of such products by retailers at prices lower than those indicated on the revenue stamp — Free movement of goods — Article 34 TFEU — Selling arrangements — Article 101 TFEU, read in conjunction with Article 4(3) TEU)*

(2016/C 419/23)

Language of the case: Dutch

**Referring court**

Hof van beroep te Brussel — Belgium

**Party in the main proceedings**

Etablissements Fr. Colruyt NV

**Operative part of the judgment**

1. Article 15(1) of Directive 2011/64/EU of 21 June 2011 on the structure and rates of excise duty applied to manufactured tobacco must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which prohibits retailers from selling tobacco products at a unit price lower than the price indicated by the manufacturer or importer on the revenue stamp affixed to those products, in so far as that price has been freely determined by the manufacturer or importer.
2. Article 34 TFEU must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which prohibits retailers from selling tobacco products at a unit price lower than the price indicated by the manufacturer or importer on the revenue stamp affixed to those products, in so far as that price has been freely determined by the importer.
3. Article 101 TFEU, read in conjunction with Article 4(3) TEU, must be interpreted as not precluding national legislation, such as that at issue in the main proceedings, which prohibits retailers from selling tobacco products at a unit price lower than the price indicated by the manufacturer or importer on the revenue stamp affixed to those products.

<sup>(1)</sup> OJ C 262, 10.8.2015.

**Judgment of the Court (Second Chamber) of 22 September 2016 (request for a preliminary ruling from the Oberlandesgericht Düsseldorf — Germany) — combit Software GmbH v Commit Business Solutions Ltd**

(Case C-223/15) <sup>(1)</sup>

*(Reference for a preliminary ruling — Regulation (EC) No 207/2009 — European Union trade mark — Unitary character — Finding of a likelihood of confusion in respect of only part of the European Union — Territorial scope of the prohibition referred to in Article 102 of that regulation)*

(2016/C 419/24)

Language of the case: German

**Referring court**

Oberlandesgericht Düsseldorf

**Parties to the main proceedings**

*Applicant:* combit Software GmbH

*Defendant:* Commit Business Solutions Ltd

**Operative part of the judgment**

Article 1(2), Article 9(1)(b) and Article 102(1) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the European Union trade mark must be interpreted as meaning that, where an EU trade mark court finds that the use of a sign creates a likelihood of confusion with an EU trade mark in one part of the European Union whilst not creating such a likelihood in another part thereof, that court must conclude that there is an infringement of the exclusive right conferred by that trade mark and issue an order prohibiting the use in question for the entire area of the European Union with the exception of the part in respect of which there has been found to be no likelihood of confusion.

<sup>(1)</sup> OJ C 294, 7.9.2015.

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**Judgment of the Court (Tenth Chamber) of 21 September 2016 (request for a preliminary ruling from the Vrederecht te Ieper — Belgium) — Nationale Maatschappij der Belgische Spoorwegen NV v Gregory Demey**

(Case C-261/15) <sup>(1)</sup>

**(Rail transport — Regulation (EC) No 1371/2007 — Passengers' rights and obligations — Absence of a ticket — Failure to regularise within the prescribed period — Criminal offence)**

(2016/C 419/25)

Language of the case: Dutch

**Referring court**

Vrederecht te Ieper

**Parties to the main proceedings**

*Applicant:* Nationale Maatschappij der Belgische Spoorwegen NV

*Defendant:* Gregory Demey

**Operative part of the judgment**

The final sentence of Article 6(2) of Appendix A to the Convention Concerning International Carriage by Rail (COTIF) of 9 May 1980, as modified by the Protocol for the modification of the Convention Concerning International Carriage by Rail of 3 June 1999, in Annex I to Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on rail passengers' rights and obligations, must be interpreted as not precluding national provisions which lay down that a person making a train journey while not in possession of a ticket for that purpose, who fails to regularise his situation within the periods laid down in those provisions, does not have a contractual relationship with the railway undertaking.

<sup>(1)</sup> OJ C 270, 17.8.2015.

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