

Judgment of the Court (Sixth Chamber) of 25 October 2018 — Enercon GmbH v European Union Intellectual Property Office (EUIPO), Gamesa Eólica, SL

(Case C-433/17 P) ⁽¹⁾

(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Article 7(1)(b) — Invalidity proceedings — Article 53 — EU colour mark consisting of blended shades of green — Partial declaration of invalidity — Remittal of the case to the Cancellation Division)

(2019/C 4/07)

Language of the case: English

Parties

Appellant: Enercon GmbH (represented by: R. Böhm, Rechtsanwalt, and M. Silverleaf QC)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: D. Botis, V. Ruzek and A. Folliard-Monguiral, acting as Agents), Gamesa Eólica, SL (represented by: A. Sanz Cerralbo, abogada)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Enercon GmbH to pay the costs.

⁽¹⁾ OJ C 412, 4.12.2017.

Judgment of the Court (Sixth Chamber) of 25 October 2018 (request for a preliminary ruling from the Administrativen sad Veliko Tarnovo — Bulgaria) — ‘Walltopia’ AD v Direktor na Teritorialna direksia na Natsionalnata agentsia za prihodite — Veliko Tarnovo

(Case C-451/17) ⁽¹⁾

(Reference for a preliminary ruling — Social security — Regulation (EC) No 883/2004 — Article 12 (1) — Regulation (EC) No 987/2009 — Article 14(1) — Posted workers — Legislation applicable — AI certificate — Whether the employee is subject to the legislation of the Member State in which his employer is established — Conditions)

(2019/C 4/08)

Language of the case: Bulgarian

Referring court

Administrativen sad Veliko Tarnovo

Parties to the main proceedings

Applicant: ‘Walltopia’ AD

Defendant: Direktor na Teritorialna direksia na Natsionalnata agentsia za prihodite — Veliko Tarnovo

Operative part of the judgment

Article 14(1) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, read together with Article 12 (1) of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, as amended by Regulation (EU) No 465/2012 of the European Parliament and of the Council of 22 May 2012, must be interpreted as meaning that an employee recruited with a view to being posted to another Member State must be regarded as having been 'just before the start of his employment ... already subject to the legislation of the Member State in which his employer is established', within the meaning of Article 14(1) of Regulation No 987/2009, even if that employee was not an insured person under the legislation of that Member State immediately before the start of his employment, if, at that time, that employee had his residence in that Member State, which is for the referring court to ascertain.

⁽¹⁾ OJ C 330, 2.10.2017.

Judgment of the Court (Ninth Chamber) of 25 October 2018 (request for a preliminary ruling from the Landgericht Hamburg — Germany) — Tänzer & Trasper GmbH v Altenweddinger Geflügelhof Kommanditgesellschaft

(Case C-462/17) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Regulation (EC) No 110/2008 — Spirit drinks — Definition, description, presentation, labelling and the protection of geographical indications — Category 41 of Annex II — Egg liqueur — Definition — Exhaustive nature of the permissible components)

(2019/C 4/09)

Language of the case: German

Referring court

Landgericht Hamburg

Parties to the main proceedings

Applicant: Tänzer & Trasper GmbH

Defendant: Altenweddinger Geflügelhof Kommanditgesellschaft

Operative part of the judgment

Category 41 of Annex II to Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89, as amended by Regulation (EC) No 1334/2008 of the European Parliament and of the Council of 16 December 2008, must be interpreted as meaning that, in order to be able to bear the sales denomination 'egg liqueur', a spirit drink cannot contain ingredients other than those mentioned in that provision.

⁽¹⁾ OJ C 347, 16.10.2017.