

3. If the answer to Question 1 is in the affirmative, is it sufficient, in the assessment as to whether a potentially discriminatory withholding tax levied at source is effectively neutralised on the basis of a convention for the avoidance of double taxation concluded by the source State, that (i) the double taxation convention concerned contains a provision in that regard, and that, although that option is not unconditional, (ii) in the case in question it has the result that the Netherlands tax burden for a non-resident is not heavier than that for a resident? In the case of inadequate compensation in the year in which the dividends are received, is it relevant, in the assessment of that neutralisation, that there is the possibility of carrying forward the deficit and of utilising the set-off in subsequent years?

Request for a preliminary ruling from the Bundespatentgericht (Germany) lodged on 17 January 2014 — BGW Marketing- & Management-Service GmbH v Bodo Scholz

(Case C-20/14)

(2014/C 129/14)

Language of the case: German

Referring court

Bundespatentgericht

Parties to the main proceedings

Applicant: BGW Marketing- & Management-Service GmbH

Defendant: Bodo Scholz

Question referred

Must Article 4(1)(b) of Directive 2008/95/EC⁽¹⁾ be interpreted as meaning that, in the case of identical and similar goods and services, there may be taken to be a likelihood of confusion for the public if a distinctive sequence of letters which dominates the earlier word/figurative trade mark of average distinctiveness is made use of in a third party's later mark in such a way that the sequence of letters is supplemented by a descriptive combination of words relating to it which explains the sequence of letters as an abbreviation of the descriptive words?

⁽¹⁾ Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks; OJ 2008 L 299, p. 25.

Request for a preliminary ruling from the Bundesverfassungsgericht (Germany) lodged on 10 February 2014 — Peter Gauweiler and Others

(Case C-62/14)

(2014/C 129/15)

Language of the case: German

Referring court

Bundesverfassungsgericht

Parties to the main proceedings

Applicants: Peter Gauweiler, Bruno Bandulet, Wilhelm Hankel, Wilhelm Nölling, Karl Albrecht Schachtschneider, Joachim Starbatty, Roman Huber and Others, Johann Heinrich von Stein and Others, Fraktion DIE LINKE im Deutschen Bundestag

Respondent: German Bundestag

Joined party: Federal Government