

The finding that use only of the stylised cactus does not alter the distinctive character of the earlier figurative mark, within the meaning of Article 15(1)(a) CTMR, is vitiated by four errors in law. In basing its conclusion only on the semantic concordance between the logo and the word element, the General Court failed to examine to which extent the word element 'Cactus' was distinctive and important in the earlier composite mark. The General Court failed to have regard to the visual and (possible) phonetic differences between the logo and the composite mark, it wrongly based its finding on the prior knowledge that the public in Luxembourg has of the earlier composite mark and it failed to consider the perception of the European public as a whole.

<sup>(1)</sup> Council Regulation (EC) No 207/2009 of 26 February 2009 on the Community trade mark OJ L 78, p. 1.

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**Request for a preliminary ruling from the Secretario Judicial of the Juzgado de Violencia sobre la Mujer de Terrassa (Spain) lodged on 23 September 2015 — Ramón Margarit Panicello v Pilar Hernández Martínez**

**(Case C-503/15)**

(2015/C 414/23)

*Language of the case: Spanish*

**Referring court**

Secretario Judicial of the Juzgado de Violencia sobre la Mujer de Terrassa

**Parties to the main proceedings**

*Applicant:* Ramón Margarit Panicello

*Defendant:* Pilar Hernández Martínez

**Questions referred**

1. Are Articles 34, 35, 207(2), 207(3) and 207(4) of Law 1/2000 [on Civil Procedure], which govern the administrative procedure for recovery of unpaid fees ('jura de cuentas'), incompatible with Article 47 of the Charter of Fundamental Rights of the European Union <sup>(1)</sup> in that they preclude the possibility of judicial review? If that is the case:

In the context of the procedure provided for in Articles 34 and 35 of Law 1/2000, is a Secretario Judicial a 'court or tribunal' for the purposes of Article 267 of the Treaty on the Functioning of the European Union?

2. Are Articles 34 and 35 of Law 1/2000 incompatible with Articles 6(1) and 7(2) of Directive [93/13/EEC <sup>(2)</sup>] and Articles 6(1)(d), 11 and 12 of Directive 2005/29/EC <sup>(3)</sup> inasmuch as they preclude any examination *ex officio* of possible unfair terms or unfair commercial practices in contracts concluded between lawyers and natural persons who are acting for purposes which are outside their trade, business or profession?

3. Are Articles 34 and 35 of Law 1/2000 incompatible with Articles 6(1) and 7(2) of, and [point 1(q) of the Annex to], Directive [93/13/EEC] inasmuch as they preclude the production of evidence for the purpose of resolving the dispute in the administrative procedure for recovery of unpaid fees?

<sup>(1)</sup> OJ 2000 C 364, p. 1.

<sup>(2)</sup> Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ 1993 L 95, p. 29).

<sup>(3)</sup> Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market and amending Council Directive 84/450/EEC, Directives 97/7/EC, 98/27/EC and 2002/65/EC of the European Parliament and of the Council and Regulation (EC) No 2006/2004 of the European Parliament and of the Council ('Unfair Commercial Practices Directive') (OJ 2005 L 149, p. 22).

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**Request for a preliminary ruling from the Rechtbank van Koophandel te Gent (Belgium) lodged on 24 September 2015 — Agro Foreign Trade & Agency Ltd v Petersime NV**

(Case C-507/15)

(2015/C 414/24)

*Language of the case: Dutch*

**Referring court**

Rechtbank van Koophandel te Gent

**Parties to the main proceedings**

*Applicant:* Agro Foreign Trade & Agency Ltd

*Defendant:* Petersime NV

**Question referred**

Is the Belgian Handelsagentuurwet, <sup>(1)</sup> which transposes the Commercial Agency Directive into Belgian national law, in accordance with that Directive and/or the provisions of the Association Agreement which has as its express aim the accession of Turkey to the European Union and/or the obligations between Turkey and the European Union to eliminate restrictions with regard to the free movement of services between them, when that Belgian Handelsagentuurwet provides that it only applies to commercial agents whose principal place of business is in Belgium, and does not apply when a principal established in Belgium and an agent established in Turkey have explicitly chosen Belgian law?

<sup>(1)</sup> Council Directive 86/653/EEC of 18 December 1986 on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ 1986 L 382, p. 17).

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**Request for a preliminary ruling from the Lietuvos vyriausiasis administracinis teismas lodged on 25 September 2015 in the administrative proceedings for review of legality between Agrodetalė UAB and Lietuvos Respublikos žemės ūkio ministerija**

(Case C-513/15)

(2015/C 414/25)

*Language of the case: Lithuanian*

**Referring court**

Lietuvos vyriausiasis administracinis teismas