Re:

Reference for a preliminary ruling – Rechtbank Breda – Interpretation of Articles 56 TFEU to 62 TFEU – National legislation providing for a registration tax to be levied upon a vehicle's first being used on the national road network.

Operative part

Articles 49 EC to 55 EC must be interpreted as precluding national rules, such as those at issue in the main proceedings, by virtue of which a person, residing or established in a Member State, who uses in that Member State a motor vehicle registered and leased in another Member State must, on first using that vehicle on the first Member State's road network, pay the full amount of a tax the balance of which, computed relative to the period for which that vehicle was used on that network, is repaid, without interest, once that use has come to an end.

Judgment of the Court (Fifth Chamber) of 30 September 2010 – Evets v OHIM

(Case C-479/09 P)

(Appeal — Community trade mark — Word mark DANELECTRO — Figurative mark QWIK TUNE — Request for renewal of registration of the trade mark — Application for restitutio in integrum — Failure to observe the time-limit for submitting the request for renewal of registration of the trade mark)

Community trade mark — Procedural provisions — Restitutio in integrum — Time-limit for lodging an application — Point from which time starts to run — Date when the holder of the mark's representative became aware of the loss of a right — (Council Regulation No 40/94, Art. 78(2); Commission Regulation No 2868/95, Art. 1, Rule 77) (see paras 36, 39-41)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 23 September 2009 in Joined Cases T-20/08 and T-21/08 *Evets* v *OHIM*, by which that Court dismissed an action for annulment of the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 5 November 2007 in Case R 603/2007-4 dismissing the appeal against the decision of the Administration of Trade Marks and Legal Division and declaring that the application for *restitutio in integrum* filed by the appellant with a view to having its rights regarding the renewal of the word mark 'DANELECTRO' re-established was deemed not to have been lodged on account of lateness – Failure to observe the time-limit for submitting the request for renewal of the trade marks.

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Evets Corp. to pay the costs.