

their Member State of residence. In accordance with Article 7(4) of Regulation No 1612/68, such clauses are null and void. Article 45 TFEU and the provisions of Regulation No 1612/68 leave the Member States or the social partners free to choose between the different solutions suitable for achieving the objective of those respective provisions.

⁽¹⁾ OJ C 226 30.7.2011.

Judgment of the Court (Fifth Chamber) of 28 June 2012 — XXXLutz Marken GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Natura Selection, SL

(Case C-306/11 P) ⁽¹⁾

(Appeals — Community trade mark — Regulation (EC) No 40/94 — Figurative mark Linea Natura Natur hat immer Stil — Opposition by the proprietor of the Community figurative mark natura selection — Relative grounds for refusal — Likelihood of confusion)

(2012/C 258/10)

Language of the case: German

Parties

Appellant: XXXLutz Marken GmbH (represented by: H. Pannen, Rechtsanwalt)

Other parties to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel, acting as Agent), Natura Selection, SL

Re:

Appeal against the judgment of the General Court (Sixth Chamber) of 24 March 2011 in Case T-54/09 XXXLutz Marken v OHIM — Natura Selection (Linea Natura Natur hat immer Stil) dismissing the action brought against the decision of the Second Board of Appeal of OHIM of 28 November 2008 (Case R 1787/2007-2) relating to opposition proceedings between Natura Selection, SL and XXXLutz Marken GmbH — Likelihood of confusion between the figurative signs ‘natura selection’ and ‘Linea Natura Natur hat immer Stil’ — Erroneous assessment of the similarity of those signs — Infringement of Article 8(1)(b) of Regulation (EC) No 40/94

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 238, 13.8.2011.

Judgment of the Court (Second Chamber) of 28 June 2012 (reference for a preliminary ruling from the Korkein oikeus, Finland) — Execution of a European arrest warrant in respect of Melvin West

(Case C-192/12 PPU) ⁽¹⁾

(Police and judicial cooperation in criminal matters — Framework Decision 2002/584/JHA — European arrest warrant and surrender procedures between Member States — European arrest warrant issued for the purposes of execution of a custodial sentence — Article 28 — Subsequent surrender — ‘Chain’ of European arrest warrants — Execution of a third European arrest warrant in respect of the same person — Concept of ‘executing Member State’ — Consent to surrender — Urgent preliminary ruling procedure)

(2012/C 258/11)

Language of the case: Finnish

Referring court

Korkein oikeus

Parties to the main proceedings

Melvin West

Re:

Reference for a preliminary ruling — Korkein oikeus — Interpretation of Article 28(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States — Arrest warrant for the execution of a custodial sentence — Concept of ‘executing Member State’ in the case of subsequent surrender — National of Member State A surrendered by that Member State to Member State B for the execution of a term of imprisonment and then, after the end of that term, by Member State B to Member State C for the execution of a term of imprisonment in that State — Request by Member State D to Member State C, under an arrest warrant, for the person concerned to be surrendered to Member State D for the execution of a sentence of imprisonment

Operative part of the judgment

Article 28(2) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that, where a person has been subject to more than one surrender between Member States pursuant to successive European arrest warrants, the subsequent surrender of that person to a Member State other than the Member State having last surrendered him is subject to the consent only of the Member State which carried out that last surrender.

⁽¹⁾ OJ C 184, 23.6.2012.