

**Parties to the main proceedings**

*Applicant:* Jonathan Pilato

*Defendant:* Jean-Claude Bourgault

**Re:**

Reference for a preliminary ruling — Prud'homie de pêche de Martigues — Interpretation of Article 11a of Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources (OJ 1997 L 132, p. 1), as amended by Council Regulation (EC) No 1239/98 of 8 June 1998 (OJ 1998 L 171, p. 1) — Definition of 'drift-net' — Whether that definition includes the 'thonaille' — Environmental objective of the prohibitive measure laid down in Article 11a — Validity of this provision in the light, in particular, of the legal basis used for its adoption

**Operative part of the order**

The Court of Justice of the European Communities clearly does not have jurisdiction to reply to the questions referred by the Prud'homie de pêche de Martigues by decision of 17 December 2006.

<sup>(1)</sup> OJ C 95, 28.4.2007.

**Order of the Court (Eighth Chamber) of 16 April 2008** (reference for a preliminary ruling from the Tribunal Superior de Justicia de Canarias (Spain)) — **Club Náutico de Gran Canaria v Comunidad Autónoma de Canarias**

(Case C-186/07) <sup>(1)</sup>

*(Reference for a preliminary ruling — Sixth VAT Directive — Exemptions — Services connected with the practice of sport or physical education — Application to the Canary Islands — Purely internal situation — Referral — Manifest inadmissibility of the reference for a preliminary ruling)*

(2008/C 209/21)

Language of the case: Spanish

**Referring court**

Tribunal Superior de Justicia de Canarias (Spain)

**Parties**

*Applicant:* Club Náutico de Gran Canaria

*Defendant:* Comunidad Autónoma de Canarias

**Re:**

Reference for a preliminary ruling — Tribunal Superior de Justicia de Canarias (High Court of Justice of the Canary Islands) — Interpretation of the judgment of the Court in Case C-124/96 which found that national legislation placing restrictions on exemption from VAT of certain services closely connected with the practice of sport or physical education is incompatible with Article 13A(1)(m) of Sixth Council Directive 77/388/EEC of 17 May 1977 on the harmonisation of the laws of the Member States relating to turnover taxes — Common system of value added tax: uniform basis of assessment (OJ 1977 L 145, p. 1) — Application to the Canary Islands

**Operative part of the order**

The reference for a preliminary ruling made by the Tribunal Superior de Justicia de Canarias, by decision of 26 November 2006, is inadmissible.

<sup>(1)</sup> OJ C 129, 9.6.2007.

**Order of the Court (Fifth Chamber) of 11 April 2008** — **Focus Magazine Verlag GmbH v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Merant GmbH**

(Case C-344/07 P) <sup>(1)</sup>

*(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 8(1)(b) — Likelihood of confusion — Word mark 'FOCUS')*

(2008/C 209/22)

Language of the case: German

**Parties**

*Applicant:* Focus Magazine Verlag GmbH (represented by: M. Herrmann and B. Müller, Rechtsanwälte)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent), Merant GmbH (represented by: A. Schultz, Rechtsanwalt)