

In view of the foregoing, the Commission is of the view that the Czech legislation constitutes a measure having equivalent effect to a quantitative restriction within the meaning of Article 28 EC. That measure is incapable of procuring the protection of the health and life of humans and the environment or road safety and is thus not justified by Article 30 of the EC Treaty or by the case-law of the European Court of Justice.

(¹) Law No 56/2001 Coll. on conditions for operating vehicles on roads and on changes in Law No 168/1999 Coll. on liability insurance for damage caused by operating a vehicle and on changes in various related laws ('Law on liability insurance for operating a vehicle'), as amended by Law No 307/1999 Coll.

Reference for a preliminary ruling from the Finanzgericht München (Germany) lodged on 8 July 2008 — Zino Davidoff SA v Bundesfinanzdirektion Südost

(Case C-302/08)

(2008/C 247/08)

Language of the case: German

Referring court

Finanzgericht München

Parties to the main proceedings

Applicant: Zino Davidoff SA

Defendant: Bundesfinanzdirektion Südost

Question referred

In the light of the accession of the European Community to the Madrid Protocol, is Article 5(4) of Council Regulation (EC) No 1383/2003 of 22 July 2003, concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights (¹), to be interpreted as meaning that, despite the use of the term 'Community trade mark', marks with international registrations within the meaning of Article 146 *et seq.* of Council Regulation (EC) No 40/94 of 20 December 1993 on the Community trade mark, as amended by Council Regulation (EC) No 1992/2003 of 27 October 2003, are also covered?

(¹) OJ 2003 L 196, p. 7.

Reference for a preliminary ruling from the Bundesverwaltungsgericht (Deutschland) lodged on 8 July 2008 — Metin Bozkurt v Land Baden-Württemberg

(Case C-303/08)

(2008/C 247/09)

Language of the case: German

Referring court

Bundesverwaltungsgericht

Parties to the main proceedings

Applicant: Metin Bozkurt

Defendant: Land Baden-Württemberg

Other party: Der Vertreter des Bundesinteresses beim Bundesverwaltungsgericht

Questions referred

1. Is the right of residence and employment acquired as a member of the family pursuant to the second indent of the first paragraph of Article 7 of Decision No 1/80 of the EEC-Turkey Association Council by the spouse of a Turkish worker who is duly registered as belonging to the labour force of a Member State retained even after a divorce?

If the reply to the first question is in the affirmative:

2. Is it an abuse of rights to plead the right of residence derived from his former wife under the second indent of the first paragraph of Article 7 of Decision No 1/80 of the EEC-Turkey Association Council where the Turkish national raped and injured his former wife after acquiring the legal status and the offence was punished with two years' imprisonment?

Reference for a preliminary ruling from the Bundesgerichtshof (Germany) lodged on 9 July 2008 — Zentrale zur Bekämpfung unlauteren Wettbewerbs eV v Plus Warenhandelsgesellschaft mbH

(Case C-304/08)

(2008/C 247/10)

Language of the case: German

Referring court

Bundesgerichtshof