

Operative part of the judgment

Subject to the verifications to be made by the referring court, Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts must be interpreted as not being applicable to national provisions under which a consumer who has concluded a loan agreement with a seller or supplier cannot be required, on the basis of the terms of that agreement, in the event of early termination of the term of the loan, to pay to the seller or supplier ordinary interest for the period from the time at which that loan was declared immediately due and payable until the capital borrowed has actually been repaid, since the payment of default interest and of the other contractual penalties due under the terms of that agreement provides compensation for the actual harm suffered by the seller or supplier.

⁽¹⁾ OJ C 329, 5.10.2020.

Judgment of the Court (Sixth Chamber) of 10 June 2021 (request for a preliminary ruling from the Sąd Rejonowy w Opatowie — Poland) — Ultimo Portfolio Investment (Luxembourg) SA v KM

(Case C-303/20) ⁽¹⁾

(Reference for a preliminary ruling — Credit agreements for consumers — Directive 2008/48/EC — Risk of over-indebtedness — Article 8 — Creditor's obligation to assess the consumer's creditworthiness — Article 23 — Effective, proportionate and dissuasive nature of the penalty in the event of infringement of that obligation)

(2021/C 297/13)

Language of the case: Polish

Referring court

Sąd Rejonowy w Opatowie

Parties to the main proceedings

Applicant: Ultimo Portfolio Investment (Luxembourg) SA

Defendant: KM

Operative part of the judgment

Article 23 of Directive 2008/48/EC of the European Parliament and of the Council of 23 April 2008 on credit agreements for consumers and repealing Council Directive 87/102/EEC must be interpreted as meaning that the examination of the effectiveness, proportionality and dissuasiveness of the penalties provided for in that provision, in the event, inter alia, of the failure to comply with the obligation to examine the creditworthiness of the consumer, laid down in Article 8 of that directive, must be carried out taking into account, in accordance with the third paragraph of Article 288 TFEU, not only the provision adopted specifically in national law to transpose that directive, but also all the provisions of that law, interpreting them, so far as possible, in the light of the wording and objectives of that directive, so that those penalties meet the requirements laid down in Article 23 thereof.

⁽¹⁾ OJ C 329, 5.10.2020.

Request for a preliminary ruling from the Sofiyski gradski sad (Bulgaria) lodged on 21 December 2020 — 'PONS HOLDING' AD

(Case C-703/20)

(2021/C 297/14)

Language of the case: Bulgarian

Referring court

Sofiyski gradski sad

Party to the main proceedings

'PONS HOLDING' AD

By order of 6 May 2021, the Court of Justice (Ninth Chamber) held:

The Court of Justice of the European Union manifestly lacks jurisdiction to answer the questions referred for a preliminary ruling by the Sofiyski gradski sad (Sofia City Court, Bulgaria) by decision of 9 December 2020.

Appeal brought on 28 January 2021 by Topcart GmbH against the judgment of the General Court (Third Chamber) delivered on 18 November 2020 in Case T-377/19, Topcart GmbH v European Union Intellectual Property Office

(Case C-48/21 P)

(2021/C 297/15)

Language of the case: German

Parties

Appellant: Topcart GmbH (represented by: M. Hoffmann, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office, Carl International

By order of 12 May 2021, the Court of Justice of the European Union (Chamber determining whether appeals may proceed) did not allow the appeal to proceed and ordered the appellant to bear its own costs.

Appeal brought on 28 January 2021 by Topcart GmbH against the judgment of the General Court (Third Chamber) delivered on 18 November 2020 in Case T-378/19, Topcart GmbH v European Union Intellectual Property Office

(Case C-49/21 P)

(2021/C 297/16)

Language of the case: German

Parties

Appellant: Topcart GmbH (represented by: M. Hoffmann, Rechtsanwalt)

Other parties to the proceedings: European Union Intellectual Property Office, Carl International

By order of 12 May 2021, the Court of Justice of the European Union (Chamber determining whether appeals may proceed) did not allow the appeal to proceed and ordered the appellant to bear its own costs.

Appeal brought on 2 March 2021 by Production Christian Gallimard against the judgment of the General Court (Ninth Chamber) delivered on 16 December 2020 in Case T-863/19, Production Christian Gallimard v EUIPO — Éditions Gallimard

(Case C-143/21 P)

(2021/C 297/17)

Language of the case: French

Parties

Appellant: Production Christian Gallimard (represented by: L. Dreyfuss-Bechmann, avocate)

Other parties to the proceedings: European Union Intellectual Property Office, Éditions Gallimard la nouvelle revue française éditions de la nouvelle revue française SA