

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 14 January 2011 (Case R 556/2010-2) relating to opposition proceedings between Mr José Luis Otero González and Apli-Agipa SAS in so far as it dismisses Mr Otero González's appeal and grants Apli-Agipa registration of the Community word mark AGIPA in respect of the 'photographs; adhesives for stationery or household purposes; paint brushes; office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks' in Class 16 of the Nice Agreement concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks of 15 June 1957, as revised and amended;
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by Mr Otero González;
4. Orders Apli-Agipa to bear its own costs.

(¹) OJ C 194, 2.7.2011.

Judgment of the General Court of 27 June 2013 — International Engine Intellectual Property Company v OHIM (PURE POWER)

(Case T-248/11) (¹)

(Community trade mark — Application for the Community word mark PURE POWER — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2013/C 225/154)

Language of the case: English

Parties

Applicant: International Engine Intellectual Property Company, LLC (Warrenville, Illinois, United States) (represented by: C. Thomas and B. Reiter, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 February 2011 (Case R 2310/2010-2), relating to an application for registration of the word sign PURE POWER as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders each party to bear its own costs.

(¹) OJ C 211, 16.7.2011.

Judgment of the General Court of 6 June 2013 — T&L Sugars and Sidul Açúcares v Commission

(Case T-279/11) (¹)

(Agriculture — Exceptional measures concerning the release of out-of-quota sugar on the Union market and opening a tariff quota — Action for annulment — Regulatory act entailing implementing measures — Lack of individual concern — Inadmissibility — Action for damages)

(2013/C 225/155)

Language of the case: English

Parties

Applicants: T&L Sugars Ltd (London, United Kingdom); and Sidul Açúcares, Unipessoal L^{da} (Santa Iria de Azóia, Portugal) (represented by: D. Waelbroeck, lawyer, and D. Slater, Solicitor)

Defendant: European Commission (represented: initially by P. Rossi and A. Demeneix, subsequently by P. Rossi, A. Demeneix and N. Donnelly, and lastly by P. Rossi and P. Ondrůšek, acting as Agents)

Interveners in support of the defendant: Council of the European Union (represented by: E. Sitbon and A. Westerhof Löfflerová, acting as Agents); and French Republic, (represented by: G. de Bergues and C. Candat, acting as Agents)

Re:

Application for the annulment of Commission Regulation (EU) No 222/2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011 (OJ 2011 L 60, p. 6), Commission Implementing Regulation (EU) No 293/2011 of 23 March 2011 fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy (OJ 2011 L 79, p. 8), Commission Implementing Regulation No 302/2011 of 28 March 2011 opening an exceptional import tariff quota for certain quantities of sugar in the 2010/11 marketing year (OJ 2011 L 81, p. 8), and Commission Implementing Regulation (EU) No 393/2011 of 19 April 2011 fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 April 2011 for sugar products under certain tariff quotas and suspending submission of applications for such licences (OJ 2011 L 104, p. 39), and claim for compensation for the damage suffered