

Judgment of the Court (Second Chamber) of 2 October 2014 — Guido Strack v European Commission(Case C-127/13 P) ⁽¹⁾

(Appeal — Right to be heard — Right to be heard by a court or tribunal established in accordance with the law — Access to documents held by the institutions — Partial refusal to grant the appellant access to the documents concerned — Initial refusal — Implied decision deemed to exist — Replacement of an implied refusal by express decisions — Interest in bringing proceedings after the adoption of the express refusals — Exceptions to the right of access to documents — Safeguarding the interests of good administration — Protection of personal data and commercial interests)

(2014/C 421/12)

Language of the case: German

Parties

Appellant: Guido Strack (represented by: H. Tettenborn, Rechtsanwalt)

Other party to the proceedings: European Commission (represented by: B. Conte and P. Costa de Oliveira, acting as Agents)

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union in *Strack v Commission*, T-392/07, EU:T:2013:8 in so far as, by that judgment, the General Court annulled the decision of the European Commission of 24 July 2007;
2. Dismisses the cross-appeal for the remainder;
3. Dismisses the appeal;
4. Dismisses the action for annulment in so far as it is directed against the decision of the European Commission refusing access to the extract of the register concerning refusals of confirmatory applications for access to documents;
5. Orders Mr Guido Strack to bear his own costs in the present proceedings and to pay one third of the costs incurred by the European Commission;
6. Orders the European Commission to pay two thirds of the costs relating to the present proceedings;
7. Orders the costs relating to the proceedings at first instance which gave rise to the judgment in *Strack v Commission* (T-392/07, EU:T:2013:8) to be paid in accordance with the arrangements laid down in paragraph 7 of the operative part thereof.

⁽¹⁾ OJ C 147, 25.5.2013.

Judgment of the Court (Second Chamber) of 18 September 2014 (request for a preliminary ruling from the Hoge Raad der Nederlanden (Netherlands)) — Hauck GmbH & Co. KG v Stokke A/S and Others(Case C-205/13) ⁽¹⁾

(Trade marks — Directive 89/104/EEC — Article 3(1)(e) — Refusal or invalidation of registration — Three-dimensional trade mark — Adjustable ‘Tripp Trapp’ children’s chair — Sign consisting exclusively of the shape which results from the nature of the goods — Sign consisting of the shape which gives substantial value to the goods)

(2014/C 421/13)

Language of the case: Dutch

Referring court

Hoge Raad der Nederlanden