

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially G. Schneider and A. Schifko, and subsequently A. Schifko, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Brauerei S. Riegele, Inh. Riegele KG (Augsburg, Germany) (represented by: R. Schlecht, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 May 2014 (Case R 941/2013-1), concerning opposition proceedings between Brauerei S. Riegele, Inh. Riegele KG and BrandGroup GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders BrandGroup GmbH to pay the costs.

⁽¹⁾ OJ C 339, 29.9.2014.

Judgment of the General Court of 3 March 2016 — Spain v Commission

(Case T-675/14) ⁽¹⁾

(EAGGF — Guarantee Section — EAGF and EAFRD — Expenditure excluded from financing — Expenditure incurred by the Kingdom of Spain — Flat rate financial corrections — Specific financial corrections — Extension of the financial correction to a period after the communication provided for in Article 11(1) of Regulation (EC) No 885/2006)

(2016/C 136/44)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: M. J. García-Valdecasas Dorrego, abogado del Estado)

Defendant: European Commission (represented by: I. Galindo Martín and D. Triantafyllou, acting as Agents)

Intervener in support of the applicant: Republic of Latvia (represented by: I. Kalniņš and D. Pelše, acting as Agents)

Re:

Application for annulment of Commission Implementing Decision 2014/458/EU of 9 July 2014 excluding from EU financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD) (OJ 2005 L 205, p. 62) in so far as it concerns certain expenditure incurred by the Kingdom of Spain in the amount of EUR 2 713 208,07.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the Kingdom of Spain to bear its own costs and to pay the costs incurred by the European Commission.
3. Orders the Republic of Latvia to bear its own costs.

⁽¹⁾ OJ C 388, 3.11.2014.

Judgment of the General Court of 3 March 2016 — Ugly v OHIM — Group Lottuss (COYOTE UGLY)

(Case T-778/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark COYOTE UGLY — Relative grounds for refusal — Revocation of the earlier Community word mark — Article 8(1)(a) and (b) of Regulation (EC) No 207/2009 — No non-registered mark — Article 8(4) of Regulation No 207/2009 — No well-known mark within the meaning of Article 6 bis of the Paris Convention — Article 8(2)(c) of Regulation No 207/2009 — Rejection of the opposition)

(2016/C 136/45)

Language of the case: English

Parties

Applicant: Ugly, Inc. (New York, United States) (represented by: T. St Quintin, Barrister, K. Gilbert and C. Mackey, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Lukošiušė, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Group Lottuss Corp., SL (Barcelona, Spain)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 16 September 2014 (Case R 1369/2013-5), relating to opposition proceedings between Ugly Inc. and Group Lottuss Corp.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ugly, Inc. to pay the costs.

⁽¹⁾ OJ C 26, 26.1.2015.

Judgment of the General Court of 21 January 2016 — SpokeY v OHIM — Leder Jaeger (SPOKeY)

(Case T-846/14) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark SPOKeY — Earlier Community word mark SPOOKY — Declaration of partial invalidity — Article 53(1)(a) of Regulation (EC) No 207/2009 — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 — Examination of evidence — Article 76(1) of Regulation No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2016/C 136/46)

Language of the case: Polish

Parties

Applicant: SpokeY sp. z o.o. (Katowice, Poland) (represented by: B. Matusiewicz-Kulig, lawyer)