

Defendant: European Commission (represented by: P. Rossi and D. Bianchi, acting as Agents)

Re:

Action for partial annulment of Commission Implementing Decision 2014/191/EU of 4 April 2014 on excluding from European Union financing certain expenditure incurred by the Member States under the Guarantee Section of the European Agricultural Guidance and Guarantee Fund (EAGGF), under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2014 L 104, p. 43), in so far as it excludes certain expenditure incurred by the Italian Republic.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Italian Republic to pay the costs.*

⁽¹⁾ OJ C 235, 21.7.2014.

Judgment of the General Court of 12 May 2016 — Holistic Innovation Institute v Commission

(Case T-468/14) ⁽¹⁾

(Financial support — Research — Seventh Framework Programme for Research and Technical Development 2007-2013 — eDIGIREGION project — Commission decision refusing participation of an undertaking — Action for annulment — Time limit for bringing an action — Point from which time starts to run — Inadmissibility — Non-contractual liability — Non-material damage — Sufficiently serious breach of a rule of law conferring rights on individuals)

(2016/C 232/12)

Language of the case: Spanish

Parties

Applicant: Holistic Innovation Institute, SLU (Pozuelo de Alarcón, Spain) (represented initially by R. Muñoz García, and subsequently by J. Marín López, lawyers)

Defendant: European Commission (represented by: R. Lyal, acting as Agent, and J. Rivas Andrés, lawyer)

Re:

Action, first, for annulment of Commission Decision ARES (2014) 710158 of 13 March 2014 rejecting the applicant's participation in the eDIGIREGION project under Article 263 TFEU, and, second, an action for damages, under Article 268 TFEU, for harm that the applicant allegedly suffered as a result of that decision of EUR 3 055 000 plus interest accrued and, in the alternative, the appointment of an expert to evaluate the harm suffered.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Holistic Innovation Institute SLU to pay the costs.

⁽¹⁾ OJ C 292, 1.9.2014.

Judgment of the General Court of 12 May 2016 — Zuffa v EUIPO (ULTIMATE FIGHTING CHAMPIONSHIP)

(Case T-590/14) ⁽¹⁾

(EU trade mark — Application for the EU word mark ULTIMATE FIGHTING CHAMPIONSHIP — Absolute grounds for refusal — Lack of distinctive character — Descriptiveness — Distinctive character acquired through use — Obligation to state reasons — Relevant public — Article 7(1)(b) and (c), (2) and (3) and Article 75 of Regulation (EC) No 207/2009)

(2016/C 232/13)

Language of the case: English

Parties

Applicant: Zuffa, LLC (Las Vegas, Nevada, United States) (represented by: S. Malynicz, Barrister, and K. Gilbert and C. Balme, Solicitors)

Defendant: European Union Intellectual Property Office (EUIPO) (represented by: P. Bullock, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 19 May 2014 (Case R 1425/2013-2), regarding an application for registration of the sign ULTIMATE FIGHTING CHAMPIONSHIP as an EU trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 May 2014 (Case R 1425/2013-2) in so far as it dismisses the appeal of Zuffa, LLC as regards the following goods and services:
 - ‘pre-recorded audio cassettes; phonograph records; compact discs; pre-recorded video cassettes; laser video discs; digital video discs; digital versatile discs; electronic storage media; USB flashdrives; CD-ROM discs all featuring mixed martial arts competitions, events and programs; motion picture films in the field of mixed martial arts’ in Class 9;
 - ‘provision of information relating to mixed martial arts via communication and computer networks; providing news and information in the fields of sports, fitness and mixed martial arts via communication and computer networks’ in Class 41;