

Judgment of the General Court of 13 September 2016 — Paglieri Sell System v EUIPO (APOTEKE)**(Case T-563/15) ⁽¹⁾****(European Union trade mark — Application for figurative mark APOTEKE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)**

(2016/C 392/53)

*Language of the case: Italian***Parties***Applicant:* Paglieri Sell System SpA (Pozzolo Formigaro, Italy) (represented by: P. Pozzi and F. Braga, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: K. Doherty and L. Rampini, acting as Agents)**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 23 July 2015 (Case R 2428/2014-5) concerning an application for registration of the figurative sign APOTEKE as a European Union trade mark.

Operative part of the judgment*The Court:*

1. *Dismisses the action;*
2. *Orders Paglieri Sell Systems SpA to pay the costs.*

⁽¹⁾ OJ C 371, 9.11.2015.

Action brought on 5 August 2016 — Gifi Diffusion v EUIPO — Crocs (Footwear)**(Case T-424/16)**

(2016/C 392/54)

*Language in which the application was lodged: English***Parties***Applicant:* Gifi Diffusion (Villeneuve-sur-Lot, France) (represented by: C. de Chasse, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO)*Other party to the proceedings before the Board of Appeal:* Crocs, Inc. (Longmont, Colorado, United States)**Details of the proceedings before EUIPO***Proprietor of the design at issue:* Other party to the proceedings before the Board of Appeal*Design at issue:* Community design 'Footwear' — Community design No 733 282-0001*Contested decision:* Decision of the Third Board of Appeal of EUIPO of 25 April 2015 in Case R 37/2015-3**Form of order sought**

The applicant claims that the Court should:

— annul the contested decision;