

GENERAL COURT

Judgment of the General Court of 31 May 2017 — Alma-The Soul of Italian Wine v EUIPO — Miguel Torres (SOTTO IL SOLE ITALIANO SOTTO il SOLE)

(Case T-637/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark SOTTO IL SOLE ITALIANO SOTTO il SOLE — Earlier EU word mark VIÑA SOL — Relative ground for refusal — Detriment to distinctive character — No similarity between the signs — Article 8(5) of Regulation (EC) No 207/2009)

(2017/C 231/26)

Language of the case: English

Parties

Applicant: Alma-The Soul of Italian Wine LLLP (Coral Gables, Florida, United States) (represented by: F. Terrano, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Miguel Torres, SA (Vilafranca del Penedès, Spain) (represented by: J. Güell Serra, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 3 September 2015 (Case R 356/2015-2), relating to opposition proceedings between Miguel Torres and Alma-The Soul of Italian Wine.

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 3 September 2015 (Case R 356/2015-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by Alma-The Soul of Italian Wine LLLP;
3. Orders Miguel Torres, SA to bear its own costs.

⁽¹⁾ OJ C 27, 25.1.2016.

Judgment of the General Court of 17 May 2017 — Piessevaux v Council

(Case T-519/16) ⁽¹⁾

(Civil service — Officials — Pensions — Transfer of pension rights to the European Union pension scheme — Proposal concerning the crediting of additional pensionable years — Article 11(2) of Annex VIII to the Staff Regulations — New general implementing provisions — Equal treatment — Acquired rights — Legitimate expectations)

(2017/C 231/27)

Language of the case: French

Parties

Applicant: Vincent Piessevaux (Brussels, Belgium) (represented by: initially by D. de Abreu Caldas and J.-N. Louis, then by J.-N. Louis, and finally by L. Ponteville, lawyers)

Defendant: Council of the European Union (represented by: M. Bauer and E. Rebasti, acting as Agents)