

**Judgment of the General Court of 8 June 2017 — Groupe Léa Nature v EUIPO — Debonair Trading Internacional (SO'BiO ětic)**

(Case T-341/13 RENV) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for the EU figurative mark SO'BiO ětic — Earlier EU and national word marks SO...? — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Detriment to reputation — Article 8(5) of Regulation No 207/2009)**

(2017/C 239/54)

Language of the case: English

**Parties**

*Applicant:* Groupe Léa Nature SA (Périgny, France) (represented by: S. Arnaud, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO) (represented by: D. Gája, Agent)

*The other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Debonair Trading Internacional Lda (Funchal, Portugal) (represented by: T. Alkin, Barrister)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 26 March 2013 (Case R 203/2011-1), relating to opposition proceedings between Debonair Trading Internacional and Groupe Léa Nature.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action
2. Orders Groupe Léa Nature SA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by the intervener before the General Court and the Court of Justice.

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<sup>(1)</sup> OJ C 260, 7.9.2013.

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**Judgment of the General Court of 7 June 2017 — Guardian Europe v European Union**

(Case T-673/15) <sup>(1)</sup>

**(Non-contractual liability — Representation of the European Union — Barring of actions — Nullification of the legal effects of a decision which has become final — Precision of the application — Admissibility — Article 47 of the Charter of Fundamental Rights — Obligation to adjudicate within a reasonable time — Equal treatment — Material damage — Losses sustained — Loss of profit — Non-material damage — Causal link)**

(2017/C 239/55)

Language of the case: English

**Parties**

*Applicant:* Guardian Europe Sàrl (Bertrange, Luxembourg) (represented by: F. Louis, lawyer, and C. O'Daly, Solicitor)

*Defendant:* European Union represented by the European Commission (represented by: N. Khan, A. Dawes and P. van Nuffel, Agents), and by the Court of Justice of the European Union (represented by: J. Inghelram and K. Sawyer, Agents).

**Re:**

Application on the basis of Article 268 TFEU seeking compensation for the damage allegedly sustained by the applicant because of, first, the length of the proceedings in the case giving rise to the judgment of 27 September 2012, *Guardian Industries and Guardian Europe v Commission* (T-82/08, EU:T:2012:494), and, secondly, the infringement of the principle of equal treatment in Commission Decision C(2007) 5791 final of 28 November 2007 relating to a proceeding under Article [101 TFEU] and Article 53 of the EEA Agreement (Case COMP/39165 — Flat glass) and in the judgment of 27 September 2012, *Guardian Industries and Guardian Europe v Commission* (T-82/08, EU:T:2012:494).