

Judgment of the General Court of 26 October 2017 — Erdinger Weißbräu Werner Brombach v EUIPO (Shape of a large glass)

(Case T-857/16) ⁽¹⁾

(European Union trade mark — International registration designating the European Union — Three-dimensional mark — Shape of a large glass — Absolute ground for refusal — Lack of distinctive nature — Article 7(1)(b) of Regulation (EC) No 2017/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001))

(2017/C 424/50)

Language of the case: German

Parties

Applicant: Erdinger Weißbräu Werner Brombach GmbH & Co. KG (Erding, Germany) (represented by: A. Hayn, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne, acting as Agent)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 20 September 2016 (Case R 659/2016-2) concerning the international registration designating the European Union of the three-dimensional mark constituted by the shape of a large glass.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Erdinger Weißbräu Werner Brombach GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 38, 6.2.2017.

Order of the General Court of 13 September 2017 — Luxembourg v Commission

(Case T-109/10) ⁽¹⁾

(Action for annulment — EDRF — Reduction in financial aid — Programme Interreg II/C ‘Rhine-Meuse flood’ — Failure to comply with the time limit for adopting a decision — Infringement of essential procedural requirements — Action manifestly well founded)

(2017/C 424/51)

Language of the case: French

Parties

Applicant: Grand Duchy of Luxembourg (represented initially by: C. Schiltz, then by: P. Franzen, subsequently by: L. Delvaux and D. Holderer and finally by: D. Holderer, acting as Agents, and P. Kinsch, lawyer)

Defendant: European Commission (represented by: W. Roels and A. Steiblytè, acting as Agents)

Interveners in support of the applicant: Kingdom of Belgium (represented initially by: M. Jacobs and T. Materne, subsequently by: M. Jacobs, and finally by: M. Jacobs and J.-C. Halleux, acting as Agents); French Republic (represented initially by: G. de Bergues and B. Messmer, subsequently by: G. de Bergues and finally by: J. Bousin and D. Colas, acting as Agents) and the Kingdom of the Netherlands (represented initially by: C. Wissels, M. Noort and Y. de Vries and subsequently by: M. Noort, M. Bulterman and B. Koopman, acting as Agents)

Re:

Application based on Article 263 TFEU seeking the annulment of Commission Decision C(2009) 10712 of 23 December 2009 on the reduction in the financial aid granted to the Rhine-Meuse flood protection programme under Community initiative programme Interreg II/C in the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands by the European Regional Development Fund (ERDF) pursuant to Commission Decision C(97)3742 of 18 December 1997 — (ERDF No 970010008) insofar as it applies to the Grand Duchy of Luxembourg.