

**Judgment of the General Court of 7 March 2018 — Fertisac v ECHA**(Case T-855/16) <sup>(1)</sup>

**(REACH — Fee due for registration of a substance — Reduction granted to SMEs — Verification by ECHA of the declaration relating to the size of the enterprise — Decision imposing an administrative charge — Recommendation 2003/361/EC — Exceeding of financial ceilings — Concept of ‘linked enterprise’)**

(2018/C 142/63)

Language of the case: Spanish

**Parties**

*Applicant:* Fertisac, SL (Atarfe, Spain) (represented by: J. Gomez Rodriguez, lawyer)

*Defendant:* European Chemicals Agency (ECHA) (represented by E. Maurage, J.-P. Trnka and M. Heikkilä, acting as Agents, and C. Garcia Molyneux and L. Tosoni, lawyers)

**Re:**

Application based on Article 263 TFEU seeking the annulment of ECHA Decision SME(2016) 5150 of 15 November 2016, which states that the applicant has not fulfilled the conditions required in order to benefit from a reduced fee for medium-sized enterprises and imposes payment of an administrative charge and invoices Nos 10060160 and 10060161 issued by the ECHA and annexed to Decision SME(2016) 5150.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Fertisac, SL to pay the costs, including those relating to the interim proceedings.

<sup>(1)</sup> OJ C 30, 30.1.2017.

**Judgment of the General Court of 7 March 2018 — Equivalenza Manufactory v EUIPO — ITM Entreprises (BLACK LABEL BY EQUIVALENZA)**(Case T-6/17) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for the EU figurative mark BLACK LABEL BY EQUIVALENZA — Earlier international figurative mark LABELL — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8(1)(b), of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))**

(2018/C 142/64)

Language of the case: Spanish

**Parties**

*Applicant:* Equivalenza Manufactory, SL (Barcelona, Spain) (represented by: G. Macías Bonilla, G. Marín Raigal and E. Armero Lavie, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Crespo Carrillo and M. del Mar Baldares, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* ITM Entreprises SAS (Paris, France)