

GENERAL COURT

Judgment of the General Court of 24 January 2017 — Rath v EUIPO — Portela & Ca. (Diacor)

(Case T-258/08) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark Diacor — Earlier national figurative mark Diacol PORTUGAL — Genuine use of the earlier mark — Article 43(2) and (3) of Regulation (EC) No 40/94 (now Article 42(2) and (3) of Regulation (EC) No 207/2009) — Evidence in a language other than the language of the proceedings — Rule 22(4) of Regulation (EC) No 2868/95 (now Rule 22(6) of Regulation No 2868/95, as amended) — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 40/94 (now Article 8(1)(b) of Regulation No 207/2009))

(2017/C 070/20)

Language of the case: English

Parties

Applicant: Matthias Rath (Cape Town, South Africa) (represented by: U. Vogt, C. Kleiner and S. Ziegler, lawyers)

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: Portela & Ca., SA (São Mamede do Coronado, Portugal)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 30 April 2008 (Case R 1630/2006-2), relating to opposition proceedings between Portela & Ca. and Mr Rath.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Matthias Rath to pay the costs.

⁽¹⁾ OJ C 223, 30.8.2008.

Judgment of the General Court of 25 January 2017 — ANKO v Commission

(Case T-768/14) ⁽¹⁾

(Arbitration clause — Grant agreement concluded under the Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Pocemon project — Eligible costs — Counterclaim — Repayment of amounts paid — Default interest)

(2017/C 070/21)

Language of the case: Greek

Parties

Applicant: ANKO AE Antiprosopion, Emporiou kai Viomichanias (Athens, Greece) (represented by: V. Christianos, lawyer)