

Interveners in support of the applicant: Republic of Finland (represented by: J. Heliskoski and S. Hartikainen, Agents; and the Kingdom of Sweden (represented initially by A. Falk, C. Meyer-Seitz, C. Stege, S. Johannesson, U. Persson, K. Ahlstrand-Oxhamre and H. Karlsson, then by A. Falk, C. Meyer-Seitz, U. Persson, L. Sedenborg, N. Otte Widgren, E. Karlsson and F. Sjövall, Agents)

Re:

Application for annulment, first, of the Commission decision of 16 March 2012 rejecting a request made by the applicant for access to its legal opinion relating to Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (OJ 2006 L 105, p. 54), and, second, the Commission decision of 3 April 2012 refusing to grant the applicant complete access to the documents relating to the transposition of Directive 2006/24 by the Republic of Austria and the documents relating to the case which gave rise to the judgment of 29 July 2010 in *Commission v Austria*, C-189/09, EU:C:2010:455, in so far as, with regard to the latter decision, it concerned access to the written submissions lodged by the Republic of Austria in the course of those proceedings which was refused.

Operative part of the judgment

The Court:

1. *Annuls the Commission decision of 3 April 2012 refusing to grant Mr Patrick Breyer complete access to the documents relating to the transposition by the Republic of Austria of Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC and to documents relating to case which gave rise to the judgment of 29 July 2010 in Commission v Austria, C-189/09 in so far as it refuses access to the written submissions lodged by the Republic of Austria in that case.*
2. *Declares that there is no longer any need to give a ruling on the application for annulment of the Commission decision of 16 March 2012 rejecting a request by Mr Breyer for access to its legal opinion relating to Directive 2006/14.*
3. *Orders the Commission, in addition to its own costs, to bear half the costs incurred by Mr Breyer.*
4. *Orders the Republic of Finland and the Kingdom of Sweden to bear their own costs.*

⁽¹⁾ OJ C 194, 30.6.2015.

Judgment of the General Court of 27 February 2015 — Spa Monopole v OHIM — Olivar Del Desierto (OLEOSPA)

(Case T-377/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark OLEOSPA — Earlier Benelux word marks SPA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 127/27)

Language of the case: French

Parties

Applicant: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: L. De Brouwer, E. Cornu and E. De Gryse, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by V. Melgar, subsequently by V. Melgar and A. Folliard-Monguirol, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Olivar Del Desierto, SL (Almería, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 22 June 2012 (Case R 135/2011-4) concerning opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and Olivar Del Desierto, SL.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 June 2012 (Case R 135/2011-4), in so far as it dismisses the opposition in respect of cosmetic products, falling within Class 3 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended;*
2. *Orders OHIM to pay the costs.*

⁽¹⁾ OJ C 331, 27.10.2012.

Judgment of the General Court of 4 March 2015 — Nissan Jidosha v OHIM (CVTC)

(Case T-572/12) ⁽¹⁾

(Community trade mark — Request for renewal of the Community figurative mark CVTC — Partial renewal — Article 47 of Regulation (EC) No 207/2009)

(2015/C 127/28)

Language of the case: English

Parties

Applicant: Nissan Jidosha KK (Yokohama, Japan) (represented by: B. Brandreth, Barrister, and D. Cañadas Arcas, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by F. Mattina, and subsequently by P. Bullock, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 September 2012 (Case R 2469/2011-1), relating to a request for renewal of the registration of the Community figurative mark CVTC.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Nissan Jidosha KK to pay the costs.*

⁽¹⁾ OJ C 79, 16.3.2013.