

2. Costs are reserved.

⁽¹⁾ OJ C 189, 29.06.2013

Order of the Court (Sixth Chamber) of 6 February 2014 — El Corte Inglés, SA v Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Case C-301/13 P) ⁽¹⁾

(Appeal — Community trade mark — Regulation (EC) No 207/2009 — Article 8(1)(b) — Word mark CLUB GOURMET and CLUB DEL GOURMET — Rejection of the opposition — Rules of Procedure of the Court of Justice — Article 181 — Appeal clearly inadmissible in part and clearly unfounded in part)

(2014/C 175/21)

Language of the case: Spanish

Parties

Appellant: El Corte Inglés, SA (represented by: J. L. Rivas Zurdo and E. Seijo Veiguela, lawyers)

Other party to the proceedings: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, Agent)

Re:

Appeal lodged against the judgment of the General Court (Fourth Chamber) of 20 March 2013 in Case T-571/11 El Corte Inglés v Chez Gerard (CLUB GOURMET), by which that court dismissed the action brought against the decision of the First Board of Appeal of OHIM of 28 July 2011 (Case R 1946/2010-1) concerning opposition proceedings between El Corte Inglés, SA and Groupe Chez Gerard Restaurants Ltd

Operative part of the order

1. The appeal is dismissed.
2. El Corte Inglés SA shall pay the costs.

⁽¹⁾ OJ C 207, 20.07.2013.

Order of the Court (Third Chamber) of 30 January 2014 (request for a preliminary ruling from the Polimeles Protodikio Athinon) — Warner — Lambert Company LLC, Pfizer Ellas AE v SiegerPharma Anonimi Farmakeftiki Etairia

(Case C-372/13) ⁽¹⁾

(Article 99 of the Rules of Procedure of the Court — Questions referred for a preliminary ruling which are identical to questions on which the Court has already made a ruling — Agreement on Trade-Related Aspects of International Property Rights (TRIPS) — Article 27 — Patentable Subject Matter — Article 70 — Protection of Existing Subject Matter)

(2014/C 175/22)

Language of the case: Greek

Referring court

Polimeles Protodikio Athinon

Parties to the main proceedings

Applicants: Warner — Lambert Company LLC, Pfizer Ellas AE

Defendant: SiegerPharma Anonimi Farmakeftiki Etairia

Re:

Request for a preliminary ruling — Polimeles Protodikio Athinon — Interpretation of Articles 27 and 70 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (‘TRIPs’) annexed to the Agreement establishing the ‘World Trade Organisation’ (OJ 1994, L 336, p. 214) — Distinction drawn between fields falling within the scope of Community law and those falling within the competence of the Member States — Field of patents — Chemical and pharmaceutical products

Operative part of the order

1. Article 27 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, which constitutes Annex 1C to the Agreement establishing the World Trade Organisation (WTO), signed at Marrakesh on 15 April 1994 and approved by Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994), falls under the common trade policy.
2. Article 27 of the Agreement on Trade-Related Aspects of Intellectual Property Rights must be interpreted as meaning that the invention of a pharmaceutical product such as the active chemical compound of a medicinal product is, in the absence of a derogation in accordance with Article 27(2) or (3), capable of being the subject-matter of a patent, under the conditions set out in Article 27(1).
3. A patent obtained following an application claiming the invention both of the process of manufacture of a pharmaceutical product and of the pharmaceutical product as such, but granted solely in relation to the process of manufacture, must not, by reason of the rules set out in Articles 27 and 70 of the Agreement on Trade-Related Aspects of Intellectual Property Rights, be regarded, as from the date of entry into force of that agreement, as covering the invention of that pharmaceutical product.

⁽¹⁾ OJ C 78 of 15.3.2014.

Order of the Court (Eighth Chamber) of 29 January 2014 — Simone Gbagbo v Council of the European Union, European Commission, Republic of Côte d’Ivoire

(Case C-397/13 P) ⁽¹⁾

(Appeal — Time-limit — Formal requirements — Manifest inadmissibility)

(2014/C 175/23)

Language of the case: French

Parties

Appellant: Simone Gbagbo (represented by: J.-C. Tchikaya, lawyer)

Other parties to the proceedings: Council of the European Union (represented by: B. Driessen and M. Chavier, Agents, European Commission, Republic of Côte d’Ivoire (represented by: J.-P. Mignard, lawyer)

Re:

Appeal brought against the judgment of the General Court (Fifth Chamber) of 25 April 2013, in Case T-119/11 *Gbagbo v Council* in which the General Court dismissed the action seeking an annulment, first, of Council Decision 2011/18/CFSP of 14 January 2011 amending Council Decision 2010/656/CFSP renewing the restrictive measures against Côte d’Ivoire (OJ 2011 L 11, p. 36) and, secondly, of Regulation (EU) No 25/2011 of 14 January 2011 amending Regulation (EC) No 560/2005 imposing certain specific restrictive measures directed against certain persons and entities in view of the situation in Côte d’Ivoire (OJ 2011 L 11, p. 1), in so far as they relate to the appellant — Freezing of funds — Obligation to state reasons — Manifest error of assessment