

**Re:**

Application for annulment of Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China (OJ 2013 L 131, p. 1) in so far as it imposes an anti-dumping duty on the applicant.

**Operative part of the judgment**

*The Court:*

- 1) *Dismisses the action;*
- 2) *Orders Photo USA Electronic Graphic, Inc. to bear its own costs and to pay those incurred by the Council of the European Union and by Ancap SpA, Cerame-Unie AISBL, Confindustria Ceramica and Verband der Keramischen Industrie eV;*
- 3) *Orders the European Commission to bear its own costs.*

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<sup>(1)</sup> OJ C 274, 21.9.2013.

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**Judgment of the General Court of 18 November 2014 — Lumene v OHIM (THE YOUTH EXPERTS)**

(Case T-484/13) <sup>(1)</sup>

***(Community trade mark — Application for Community word mark THE YOUTH EXPERTS — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Extent of the examination to be carried out by the Board of Appeal — Examination as to the merits conditional on the admissibility of the action — First sentence of Article 59 of Regulation No 207/2009)***

(2015/C 007/39)

*Language of the case: English*

**Parties**

*Applicant:* Lumene Oy (Espoo, Finland) (represented by: L. Laaksonen, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 26 June 2013 (Case R 187/2013-2) concerning an application for registration of the word sign THE YOUTH EXPERTS as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 June 2013 (Case R 187/2013-2) as regards '[b]leaching preparations and other substances for laundry use [and] cleaning, polishing, scouring and abrasive preparations' in 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, and '[s]anitary preparations for medical purposes[,] plasters, materials for dressings[,] material for stopping teeth [and] dental wax[,] disinfectants[,] preparations for destroying vermin[,] fungicides [and] herbicides' in Class 5 of that agreement;*

2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

<sup>(1)</sup> OJ C 344, 23.11.2013.

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**Action brought on 24 September 2014 — Hamr Sport v Commission**

**(Case T-693/14)**

(2015/C 007/40)

*Language of the case: Czech*

**Parties**

*Applicant:* Hamr Sport a.s. (Prague, Czech Republic) (represented by: T. Capoušek, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- declare the Commission decision of 11 June 2014 (S.A.33575 — Non-profit sports facilities) invalid;
- annul the contested decision of the European Commission; and
- refer the case back to the European Commission for further investigation and the adoption of measures to remedy the situation described.

**Pleas in law and main arguments**

In support of the action, the applicant relies on the following pleas in law.

1. The contested decision is incorrect, because the defendant, in the proceedings which preceded the contested decision, did not properly respond to all of the applicant's evidence and statements, and in particular as to whether the existence of unlawful State aid was proven.
2. The defendant may not rely, for the purposes of its conclusion in the contested decision, on the exception set out in Article 107(3)(c) TFEU, since the conditions and prior requirements for its application are not fulfilled.
3. By reason of its legal personality (as a commercial company) the applicant does not have the right to participate in any procedure for the grant of subsidies provided by the Ministry of Education, Youth and Sports, even if it effectively operates on the same market as its competitors and supports the same target group of persons — the recipients (who are also identical in terms of the general/public interest).

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**Action brought on 7 October 2014 — CEAHR v Commission**

**(Case T-712/14)**

(2015/C 007/41)

*Language of the case: English*

**Parties**

*Applicant:* Confédération Européenne des Associations d'Horlogers-Réparateurs (CEAHR) (Brussels, Belgium) (represented by: P. Mathijsen and P. Dyrberg, lawyers)

*Defendant:* European Commission