Judgment of the General Court of 15 March 2017 — Fernández González v Commission

(Case T-455/16 P) ([1])

(Appeal — Civil service — Temporary staff — Recruitment — Employment of temporary staff in permanent posts — Plea of illegality — Error of law)

(2017/C 144/56)

Language of the case: French

Parties

Appellant: Elia Fernández González (Brussels, Belgium) (represented by: M. Casado García-Hirschfeld and É. Boigelot, lawyers)

Other party to the proceedings: European Commission (represented by: C. Berardis-Kayser and G. Bersheid, Agents, and, initially, D. Waelbroeck and A. Duron, and subsequently A. Duron, lawyers)

Re:

Appeal brought against the judgment of the European Union Civil Service Tribunal (Single Judge) of 14 June 2016, Fernández González v Commission (F-121/15, EU:F:2016:128), and seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. *Sets aside the judgment of the European Union Civil Service Tribunal (Single Judge) of 14 June 2016, Fernández González v Commission (F-121/15, EU:F:2016:128);*

2. *Refers the case to a Chamber of the General Court other than that which has ruled on the present appeal;*

3. *Reserves the costs.*

([1])　OJ C 383, 17.10.2016.

Order of the General Court of 9 March 2017 — Pure Fishing v EUIPO — Łabowicz (NANOFIL)

(Case T-323/13) ([1])

(EU trade mark — Opposition proceedings — Application for the EU word mark NANOFIL — Invalidity of the earlier EU figurative mark NANO — No need to adjudicate)

(2017/C 144/57)

Language of the case: English

Parties

Applicant: Pure Fishing (Spirit Lake, Iowa, United States) (represented by: J. Dickerson, solicitor)

Defendant: European Union Intellectual Property Office (represented by: L. Rampini, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Edward Łabowicz (Kłodzko, Poland) (represented by: M. Żygadło, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 15 April 2013 (Case R 1241/2012-2) relating to opposition proceedings between Mr Łabowicz and Pure Fishing.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *The parties shall bear their own costs.*

(^{1}) OJ C 252, 31.8.2013.

Order of the General Court of 8 March 2017 — Merck v EUIPO — Société des produits Nestlé (HEALTHPRESSO)

(Case T-747/14) (^{1})

(EU trade mark — Opposition proceedings — No need to adjudicate)

(2017/C 144/58)

Language of the case: English

Parties

Applicant: Merck KGaA (Darmstadt, Germany) (represented by: M. Best, U. Pfleghar and S. Schäffner, lawyers)

Defendant: European Union Intellectual Property Office (represented by: L. Rampini, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz, A. Lambrecht and S. Cobet-Nüse, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 7 August 2014 (Case R 1880/2013-1), relating to opposition proceedings between Société des Produits Nestlé SA and Merck KGaA.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*

2. *Merck KGaA and Société des Produits Nestlé SA are ordered to bear their own costs and to, each, bear half of the costs incurred by the European Union Intellectual Property Office (EUIPO).*

(^{1}) OJ C 462, 22.12.2014.

Order of the General Court of 14 March 2017 — Karl Conzelmann v EUIPO (LIKE IT)

(Case T-21/16) (^{1})

(EU trade mark — Application for registration of the word mark LIKE IT — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2017/C 144/59)

Language of the case: German

Parties

Applicant: Karl Conzelmann GmbH + Co. KG (Albstadt, Germany) (represented by: J. Klink, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Graul and M. Fischer, acting as Agents)