

## GENERAL COURT

### Judgment of the General Court of 13 July 2017 — Rosenich v EUIPO

(Case T-527/14) <sup>(1)</sup>

**(Internal market — Decision of EUIPO rejecting a request for inclusion on the list of professional representatives — Condition relating to the existence of a place of business within the European Union — Article 93(2)(b) of Regulation (EC) No 207/2009 — Freedom to provide services — Article 36 of the EEA Agreement — Consistent interpretation)**

(2017/C 283/43)

Language of the case: German

#### Parties

*Applicant:* Paul Rosenich (Triesenberg, Liechtenstein) (represented by: A. von Mühlendahl and C. Eckhartt, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: initially, G. Schneider and, subsequently, D. Walicka, acting as Agents)

#### Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 29 April 2014 (Case R 2063/2012-4), concerning the refusal of EUIPO to enter the applicant on the list of professional representatives provided for in Article 93 of Council Regulation (EC) No 207/2009 of 26 February 2009 on the European Union trade mark (OJ 2009 L 78, p. 1).

#### Operative part of the judgment

*The Court:*

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 29 April 2014 (Case R 2063/2012-4);
2. Annuls the decision of the Director of the Operations Support Department of EUIPO of 7 September 2012;
3. Orders EUIPO to pay the costs.

<sup>(1)</sup> OJ C 462, 22.12.2014.

### Judgment of the General Court of 19 July 2017 — Combaro v Commission

(Case T-752/14) <sup>(1)</sup>

**(Customs union — Association Agreement between the European Community and the Republic of Latvia — Article 239 of Regulation (EEC) No 2913/92 — Reimbursement and remission of import duties — Import of woven linen fabrics from Latvia — Fairness clause — Special situation — Deception or obvious negligence — Commission decision finding that the remission of import duties was not justified)**

(2017/C 283/44)

Language of the case: German

#### Parties

*Applicant:* Combaro SA (Lausanne, Switzerland) (represented by: D. Ehle, lawyer)

*Defendant:* European Commission (represented by: A. Caeiros and B.-R. Killmann, acting as Agents)

#### Re:

Action based on Article 263 TFEU and seeking annulment of Commission Decision C(2014) 4908 final of 16 July 2014 rejecting the applicant's request for remission of import duties in the amount of EUR 461 415,62.

**Operative part of the judgment**

*The General Court:*

1. *Annuls Commission Decision C(2014) 4908 final of 16 July 2014 rejecting Combaro SA's request for remission of import duties in the amount of EUR 461 415,62;*
2. *Orders the European Commission to bear its own costs and to pay those incurred by Combaro.*

<sup>(1)</sup> OJ C 34, 2.2.2015.

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**Judgment of the General Court of 13 July 2017 — Boomkwekerij van Rijn-de Bruyn v CPVO — Artevos (Oksana)**

(Case T-767/14) <sup>(1)</sup>

*(New varieties of plants — Community plant variety rights — Application for a Community plant variety right for the pear variety Oksana — Objections — Rejection of the application by the Board of Appeal of the CPVO — Article 10 of Regulation (EC) No 2100/94 — Novelty of the candidate variety — Lack of evidence)*

(2017/C 283/45)

*Language of the case: English*

**Parties**

*Applicant:* Boomkwekerij van Rijn-de Bruyn BV (Uden, Netherlands) (represented by: P. Jonker, lawyer)

*Defendant:* Community Plant Variety Office (CPVO) (represented by: F. Mattina, acting as Agent)

*Other party to the proceedings before the Board of Appeal of CPVO, intervening before the General Court:* Artevos GmbH (Karlsruhe, Germany) (represented by: G. Würtenberger, W.R. Kunze, lawyers, and B. Schnell, Solicitor)

*Other party to the proceedings before the Board of Appeal of the CPVO:* Dachverband Kulturpflanzen- und Nutztiervielfalt eV (Bielefeld, Germany)

**Re:**

Action against the decision of the Board of Appeal of the CPVO of 2 July 2014 (Case A 007/2013) concerning the grant of a Community plant variety right in respect of pears of the Oksana variety.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Boomkwekerij van Rijn-de Bruyn BV to pay the costs.*

<sup>(1)</sup> OJ C 46, 9.2.2015.

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**Judgment of the General Court of 14 July 2017 — Certified Angus Beef v EUIPO — Certified Australian Angus Beef (CERTIFIED AUSTRALIAN ANGUS BEEF)**

(Case T-55/15) <sup>(1)</sup>

*(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark CERTIFIED AUSTRALIAN ANGUS BEEF — Earlier well-known figurative and word marks SINCE 1978 CERTIFIED ANGUS BEEF BRAND and CERTIFIED ANGUS BEEF BRAND — Relative ground for refusal — No similarity between the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2017/C 283/46)

*Language of the case: English*

**Parties**

*Applicant:* Certified Angus Beef LLC (Wooster, Ohio, United States) (represented by: C. Aikens, Barrister)