

Operative part of the judgment

The Court:

1. Dismisses the action for annulment of Council Decision (CFSP) 2016/850 of 27 May 2016 amending Decision 2013/255/CFSP concerning restrictive measures against Syria, and of Council Implementing Regulation (EU) No 2016/840 of 27 May 2016 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, as being inadmissible.
2. Annuls, in so far as they concern Mr George Haswani, Council Implementing Decision (PESC) 2015/383 of 6 March 2015, implementing Decision 2013/255/CFSP concerning restrictive measures against Syria, Council Implementing Regulation (EU) 2015/375 of 6 March 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria, Decision (CFSP) 2015/837 of 28 May 2015 amending Decision 2013/255/CFSP concerning restrictive measures against Syria and Council Implementing Regulation (EU) No 2015/828 of 28 May 2015 implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria.
3. Dismisses the claim for damages brought by Mr Haswani.
4. Orders the Council of the European Union to pay, in addition to its own costs incurred in connection with the applications for annulment of Implementing Decision 2015/383, Implementing Regulation 2015/375, Decision 2015/837 and Implementing Regulation 2015/828 brought by Mr Haswani, one third of those costs incurred by Mr Haswani with regard to those applications.
5. Orders Mr Haswani to pay, in addition to his own costs incurred in connection with the applications for annulment of Decision 2016/850 and Implementing Regulation 2016/840 and in connection with his claim for damages, two thirds of the costs incurred by the Council with regard to those applications.
6. Orders the European Commission to pay its own costs.

(¹) OJ C 213, 29.6.2015.

Judgment of the General Court of 23 March 2017 — Cryo-Save v EUIPO — MedSkin Solutions Dr. Suwelack (Cryo-Save)

(Case T-239/15) (¹)

(EU trade mark — Revocation proceedings — EU word mark Cryo-Save — Article 51(1)(a) of Regulation (EC) No 207/2009 — Genuine use of the mark — Burden of proof — Declaration of revocation)

(2017/C 144/47)

Language of the case: German

Parties

Applicant: Cryo-Save AG (Freienbach, Switzerland) (represented by: C. Onken, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Schifko and W. Schramek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: MedSkin Solutions Dr. Suwelack AG (Billerbeck, Germany) (represented by: A. Thünken, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 3 March 2015 (Case R 2567/2013-4), concerning revocation proceedings between MedSkin Solutions Dr. Suwelack and Cryo-Save.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cryo-Save AG to pay the costs.

⁽¹⁾ OJ C 236, 20.7.2015.

Judgment of the General Court of 22 March 2017 — Windrush Aka v EUIPO — Dammers (The Specials)

(Case T-336/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark The Specials — Genuine use — Article 51(1) (a) of Regulation (EC) No 207/2009 — Consent of the proprietor of the trade mark — Article 15(2) of Regulation No 207/2009)

(2017/C 144/48)

Language of the case: English

Parties

Applicant: Windrush Aka LLP (London, United Kingdom) (represented by: S. Malynicz QC and S. Britton, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Jerry Dammers (London, United Kingdom) (represented by: C. Fehler, Solicitor, H. Cuddigan and B. Brandreth, Barristers).

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 18 March 2015 (Case R 1412/2014-1), relating to revocation proceedings between Windrush Aka and Mr Dammers.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Windrush Aka LLP to pay the costs.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the General Court of 16 March 2017 — Capella v EUIPO — Abus (APUS)

(Case T-473/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark APUS — Earlier national word mark ABUS — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Likelihood of confusion — Successive restrictions of the trade mark application before the Board of Appeal — Article 43(1) of Regulation No 207/2009 — Competence of the Board of Appeal — Article 64(1) of Regulation No 207/2009 — Right to be heard — Article 75, second sentence, of Regulation No 207/2009 — Rule 13(3) of Regulation (EC) No 2868/95)

(2017/C 144/49)

Language of the case: German

Parties

Applicant: Capella EOOD (Sofia, Bulgaria) (represented by: F. Henkel, lawyer)