

Judgment of the General Court of 4 July 2017 — Sistema Teknolotzis v Commission(Case T-234/15) ⁽¹⁾

(Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — Grant agreements for the PlayMancer, Mobiserv and PowerUp projects — Article 299 TFEU — Enforceable decision — Actions for annulment — Challengeable act — Admissibility — Proportionality — Duty of diligence — Obligation to state reasons)

(2017/C 277/49)

Language of the case: Greek

Parties

Applicant: Sistema Teknolotzis AE — Efarmogon Ilektronikis kai Pliroforikis (Athens, Greece) (represented by: E. Georgilas, lawyer)

Defendant: European Commission (represented by: J. Estrada de Solà and L. Di Paolo, acting as Agents, assisted by E. Politis, lawyer)

Re:

Application on the basis of Article 263 TFEU seeking the annulment of Commission Decision C(2015) 1677 final of 10 March 2015 constituting writ of execution for the enforced recovery from the applicant of the sum of EUR 716 334,05 together with interest.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sistema Teknolotzis AE — Efarmogon Ilektronikis kai Pliroforikis to pay the costs.

⁽¹⁾ OJ C 270, 17.8.2015.

Judgment of the General Court of 28 June 2017 — Tayto Group v EUIPO — MIP Metro (real)(Case T-287/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark real — Genuine use — Form differing in elements which do not alter the distinctive character — Point (a) of the second subparagraph of Article 15(1) of Regulation (EC) No 207/2009 — Use of the mark by a third party — Article 15(2) of Regulation No 207/2009 — Proof of genuine use — Article 15(1) and Article 51(1)(a) of Regulation No 207/2009 — Obligation to state reasons)

(2017/C 277/50)

Language of the case: English

Parties

Applicant: Tayto Group Ltd (Corby, United Kingdom) (represented by: G. Würtenberger and R. Kunze, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 16 March 2015 (Case R 2285/2013-4), relating to revocation proceedings between Tayto Group and MIP Metro Group Intellectual Property

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tayto Group Ltd to pay the costs.

⁽¹⁾ OJ C 279, 24.8.2015.

**Judgment of the General Court of 28 June 2017 — Josel v EUIPO — Nationale-Nederlanden
Nederland (NN)**

(Case T-333/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark NN — Earlier national word mark NN — Relative ground for refusal — Lack of genuine use of the earlier mark — Articles 15(1)(a) and 42(2) of Regulation (EC) No 207/2009 — Form differing by elements altering the distinctive character)

(2017/C 277/51)

Language of the case: English

Parties

Applicant: Josel, SL (Barcelona, Spain) (represented: initially by J.L. Rivas Zurdo, and subsequently by J. Güell Serra, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Nationale-Nederlanden Nederland BV (The Hague, Netherlands) (represented: initially by E. Morée and A. Janssen, and subsequently by A. Janssen, R. Sjoerdsma and C. Jehoram, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2015 (Case R 1531/2014-4), relating to opposition proceedings between Josel and Nationale-Nederlanden Nederland.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.

⁽¹⁾ OJ C 262, 10.8.2015.