

Judgment of the General Court of 15 September 2016 — AEDEC v Commission(Case T-91/15) ⁽¹⁾

(Technological research and development — ‘Horizon 2020’ framework programme for research and innovation — Calls for proposals in respect of work programmes 2014-2015 — Commission decision declaring the proposal submitted by the applicant ineligible — Obligation to state reasons — Rights of the defence — Proportionality — Openness — Manifest error of assessment)

(2016/C 402/46)

Language of the case: Spanish

Parties

Applicant: Asociación Española para el Desarrollo de la Epidemiología Clínica (AEDEC) (Madrid, Spain) (represented by: R. López López, lawyer)

Defendant: European Commission (represented by: N. Ruiz García and M. Siekierzyńska, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment of the decision of 4 September 2014 in which the Commission rejected the request for financing submitted by the applicant on behalf of the consortium Latin Plan.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Asociación Española para el Desarrollo de la Epidemiología Clínica (AEDEC) to pay the costs.*

⁽¹⁾ OJ C 127, 20.4.2015.

Judgment of the General Court of 15 September 2016 — Arrom Conseil v EUIPO — Nina Ricci (Roméo has a Gun by Romano Ricci)(Case T-359/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for registration of the EU figurative mark Roméo has a Gun by Romano Ricci — Earlier EU word marks NINA RICCI and RICCI — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or reputation of the earlier marks — Damage to reputation — Article 8(5) of Regulation No 207/2009)

(2016/C 402/47)

Language of the case: English

Parties

Applicant: Arrom Conseil (Paris, France) (represented by: C. Herissay Ducamp and J. Blanchard, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Nina Ricci SARL (Paris, France) (represented by: E. Armijo Chávarri, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 13 April 2015 (Case R 1021/2014-1) relating to opposition proceedings between Nina Ricci SARL and Arrom Conseil.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Arrom Conseil to bear its own costs and pay the costs incurred by the European Union Intellectual Property Office and Nina Ricci SARL.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the General Court of 20 September 2016 — Alsharghawi v Council

(Case T-485/15) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of the situation in Libya — Freezing of funds — List of persons subject to restrictions on entry into and transit through EU territory — Functions of the former head of cabinet of Muammar Qadhafi — Choice of legal basis — Obligation to state reasons — Rights of the defence — Presumption of innocence — Proportionality — Freedom of movement — Right to property — Obligation to justify the merits of the measure)

(2016/C 402/48)

Language of the case: French

Parties

Applicant: Bashir Saleh Bashir Alsharghawi (Johannesburg, South Africa) (represented by: É. Moutet, lawyer)

Defendant: Council of the European Union (represented by: A. Vitro and V. Piessevaux, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment in part, firstly, of Council Decision 2015/1333/CFSP of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ 2015 L 206, p. 34) and, secondly, Council Implementing Regulation (EU) 2015/1323 of 31 July 2015 implementing Article 16(2) of Regulation (EU) No 204/2011 concerning restrictive measures in view of the situation in Libya (OJ 2015 L 206, p. 4).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bashir Saleh Bashir Alsharghawi to bear his own costs and to pay the costs incurred by the Council of the European Union.

⁽¹⁾ OJ C 337, 12.10.2015.

Judgment of the General Court of 20 September 2016 — Excalibur City v EUIPO — Ferrero (MERLIN'S KINDERWELT)

(Case T-565/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark MERLIN'S KINDERWELT — Earlier national word mark KINDER — Relative ground for refusal — No similarity between the signs — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 402/49)

Language of the case: English

Parties

Applicant: Excalibur City s.r.o. (Znojmo, Czech Republic) (represented by: E. Engin-Deniz, lawyer)