

Judgment of the General Court of 29 March 2017 — J & Joy v EUIPO — Joy-Sportswear (JN-JOY)(Case T-388/15) ⁽¹⁾**(EU trade mark — Opposition proceedings — EU word mark JN-JOY — Earlier national figurative mark joy SPORTSWEAR — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods — Similarity of the signs — Assessment criteria — Composite mark — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 151/38)

Language of the case: English

Parties*Applicant:* J & Joy SA (Waremmes, Belgium) (represented by: A. Maqua, C. Pirenne and C. Smits, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Joy-Sportswear GmbH (Ottensooos, Germany) (represented by: T. Kiphuth, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 April 2015 (Case R 1353/2014-2) relating to opposition proceedings between Joy-Sportswear and J & Joy.

Operative part of the judgment*The Court:*

1. Dismisses the action;
2. Orders J & Joy SA to pay the costs.

⁽¹⁾ OJ C 381, 16.11.2015.**Judgment of the General Court of 29 March 2017 — J & Joy v EUIPO — Joy-Sportswear (J&JOY)**(Case T-389/15) ⁽¹⁾**(EU trade mark — Opposition proceedings — EU figurative mark J&JOY — Earlier national figurative mark joy SPORTSWEAR — Relative grounds for refusal — Likelihood of confusion — Similarity of the goods — Similarity of the signs — Assessment criteria — Composite mark — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 151/39)

Language of the case: English

Parties*Applicant:* J & Joy SA (Waremmes, Belgium) (represented by: A. Maqua, C. Pirenne and C. Smits, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Joy-Sportswear GmbH (Ottensooos, Germany) (represented by: T. Kiphuth, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 April 2015 (Case R 1355/2014-2) relating to opposition proceedings between Joy-Sportswear and J & Joy.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders J & Joy SA to pay the costs.

⁽¹⁾ OJ C 381, 16.11.2015.

Judgment of the General Court of 29 March 2017 — Netherlands v Commission

(Case T-501/15) ⁽¹⁾

(EAGF and EAFRD — Expenditure excluded from financing — Integrated administration and control system — Reductions and exclusions where the rules on cross-compliance are not observed — Minor non-compliance — Article 24(2) of Regulation (EC) No 73/2009 — Article 71(3) of Regulation (EC) No 1122/2009 — Burden of proof — Interpretation of Annex II to Regulation (EC) No 73/2009)

(2017/C 151/40)

Language of the case: Dutch

Parties

Applicant: Kingdom of the Netherlands (represented by: M. Bulterman, B. Koopman and H. Stergiou, acting as Agents)

Defendant: European Commission (represented by: H. Kranenborg and D. Triantafyllou, acting as Agents)

Intervener in support of the applicant: United Kingdom of Great Britain and Northern Ireland (represented initially by C. Brodie, subsequently by J. Kraehling, finally by J. Kraehling and G. Brown, acting as Agents)

Re:

Application based on Article 263 TFEU seeking the annulment of Commission Implementing Decision (EU) 2015/1119 of 22 June 2015 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2015 L 182, 39) to the extent that it concerns the expenditure made by the Kingdom of the Netherlands.

Operative part of the judgment

1. The action is dismissed.
2. The Kingdom of the Netherlands is ordered to bear its own costs and to pay those incurred by the European Commission.
3. The United Kingdom of Great Britain and Northern Ireland is ordered to bear its own costs.

⁽¹⁾ OJ C 346, 19.10.2015.