

**Judgment of the General Court of 12 July 2017 — Estonia v Commission**(Case T-157/15) <sup>(1)</sup>**(EAGF and EAFRD — Expenditure excluded from financing — Expenditure incurred by Estonia — Cross compliance — Obligation to state reasons — Proportionality — Principle of sound administration — Legal certainty)**

(2017/C 283/48)

Language of the case: Estonian

**Parties***Applicant:* Republic of Estonia (represented initially by K. Kraavi-Käerdi, subsequently by N. Grünberg, acting as Agents)*Defendant:* Commission (represented by: A. Sauka and E. Randvere, acting as Agents)**Re:**

Application based on Article 263 TFEU seeking annulment of Commission Implementing Decision (EU) 2015/103 of 16 January 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 16, p. 33) to the extent that it concerns the expenditure incurred by the Republic of Estonia amounting to EUR 691 746,53.

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders the Republic of Estonia to bear its own costs and to pay those incurred by the European Commission.

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<sup>(1)</sup> OJ C 190, 8.6.2015.

**Judgment of the General Court of 20 July 2017 — Diesel v EUIPO — Sprinter megacentros del deporte (Representation of a curved and angled line)**(Case T-521/15) <sup>(1)</sup>**(EU trade mark — Opposition proceedings — Application for an EU figurative mark representing a curved and angled line — Earlier EU figurative mark representing a capital letter 'D' — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 283/49)

Language of the case: English

**Parties***Applicant:* Diesel SpA (Breganze, Italy) (represented by: A. Gaul, M. Frank, A. Parassina and K. Dani, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas and A. Folliard-Monguiral, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Sprinter megacentros del deporte, SL (Elche, Spain) (represented by: S. Malynicz QC)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 18 June 2015 (Case R 3291/2014-2), relating to opposition proceedings between Diesel and Sprinter megacentros del deporte.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 18 June 2015 (Case R 3291/2014-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by Diesel SpA;
3. Orders Sprinter megacentros del deporte, SL to bear its own costs.

<sup>(1)</sup> OJ C 381, 16.11.2015.

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**Judgment of the General Court of 20 July 2017 — Basic Net v EUIPO (Representation of three vertical stripes)**

(Case T-612/15) <sup>(1)</sup>

*(European Union trade mark — Application for an EU figurative mark representing three vertical stripes — Absolute ground for refusal — Not distinctive — Article 7(1)(b) of Regulation (EC) No 207/2009 — No distinctive character acquired through use — Article 7(3) of Regulation No 207/2009)*

(2017/C 283/50)

Language of the case: Italian

**Parties**

*Applicant:* Basic Net SpA (Turin, Italy) (represented by: D. Sindico, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: L. Rampini, acting as Agent)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 14 August 2015 (Case R 2845/2014-1) concerning an application for registration of a figurative sign representing three vertical stripes as an EU trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Basic Net SpA to pay the costs.

<sup>(1)</sup> OJ C 7, 11.1.2016.

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**Judgment of the General Court of 20 July 2017 — Badica and Kardiam v Council**

(Case T-619/15) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures adopted against certain persons and entities in view of the situation in the Central African Republic — Freezing of funds — Initial decision to list — List of persons and entities covered by the freezing of funds and economic resources — Inclusion of the applicants' names — Implementation of a UN resolution — Obligation to state reasons — Rights of defence — Presumption of innocence — Manifest error of assessment)*

(2017/C 283/51)

Language of the case: French

**Parties**

*Applicants:* Bureau d'achat de diamant Centrafrique (Badica) (Bangui, Central African Republic) and Kardiam (Antwerp, Belgium) (represented by: D. Luff and L. Defalque, lawyers)