

Judgment of the General Court of 7 July 2016 — Fruit of the Loom v EUIPO — Takko (FRUIT)(Case T-431/15) ⁽¹⁾**(EU trade mark — Revocation proceedings — EU word mark FRUIT — Genuine use of a mark — Article 15 and Article 51(1)(a) of Regulation (EC) No 207/2009 — External use of the mark)**

(2016/C 305/45)

Language of the case: English

Parties

Applicant: Fruit of the Loom, Inc. (Bowling Green, Kentucky, United States) (represented by: S. Malynicz QC, and V. Marsland, Solicitor)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Takko Holding GmbH (Telgte, Germany)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 12 May 2015 (case R 1641/2014-2) relating to revocation proceedings between Takko Holding and Fruit of the Loom

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 12 May 2015 (Case R 1641/2014-2);
2. Orders EUIPO to bear its own costs and to pay those of Fruit of the Loom, Inc.

⁽¹⁾ OJ C 320, 28.9.2015.

Judgment of the General Court of 6 July 2016 — LM v Commission(Case T-560/15 P) ⁽¹⁾**(Appeal — Civil service — Officials — Survivor's pension — Articles 18 and 27 of Annex VIII to the Staff Regulations — Article 25 of the Charter of Fundamental Rights — Right of the divorced spouse of the deceased official — Maintenance paid by the deceased official)**

(2016/C 305/46)

Language of the case: Italian

Parties

Appellant: LM (Ispra, Italy) (represented by: L. Ribolzi, lawyer)

Other party to the proceedings: European Commission (represented by: G. Gattinara and F. Simonetti, acting as Agents, and by A. Dal Ferro, lawyer)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal [*confidential*], and asking for annulment of that order.

Operative part of the judgment

The Court:

- 1) Dismisses the appeal;
- 2) Orders LM to pay the costs.

⁽¹⁾ OJ C 414, 14.12.2015.

Order of the General Court of 10 June 2016 — Klymenko v Council

(Case T-494/14) ⁽¹⁾

(Action for annulment — Common foreign and security policy — Restrictive measures adopted in view of the situation in Ukraine — Freezing of funds — List of persons, entities and bodies covered by the freezing of funds and economic resources — Inclusion of the applicant's name — Period allowed for commencing proceedings — Admissibility — Proof that inclusion on the list is justified — Manifestly well-founded action)

(2016/C 305/47)

Language of the case: English

Parties

Applicant: Oleksandr Klymenko (Kyiv, Ukraine) (represented by: M. Shaw QC, and I. Quirk, Barrister)

Defendant: Council of the European Union (represented by: A. Vitro and J.-P. Hix, Agents)

Re:

Application for annulment of Council Implementing Decision 2014/216/CFSP of 14 April 2014 implementing Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 111, p. 91) and of Council Implementing Regulation (EU) No 381/2014 of 14 April 2014 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ 2014 L 111, p. 33), in so far as they relate to the applicant.

Operative part of the order

1. Council Implementing Decision 2014/216/CFSP of 14 April 2014 implementing Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine, and Council Implementing Regulation (EU) No 381/2014 of 14 April 2014 implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine are annulled in so far as they relate to Mr Oleksandr Klymenko.
2. The Council of the European Union shall bear its own costs and pay those incurred by Mr Klymenko.

⁽¹⁾ OJ C 292, 1.9.2014.