

Defendant: European Union Intellectual Property Office (represented by: M. Simandlova and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ferrero SpA (Alba, Italy) (represented by: L. Ghedina and F. Jacobacci, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 9 July 2015 (Case R 1538/2014-1), relating to opposition proceedings between Ferrero and Excalibur City.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 July 2015 (Case R 1538/2014-1);
2. Orders EUIPO to bear its own costs and to pay those incurred by Excalibur City s.r.o.;
3. Orders Ferrero SpA to bear its own costs.

⁽¹⁾ OJ C 398, 30.11.2015.

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

(Case T-566/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for registration of an EU figurative 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 402/50)

Language of the case: English

Parties

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

Defendant: European Union Intellectual Property Office (represented by: M. Simandlova and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ferrero SpA (Alba, Italy) (represented by: L. Ghedina and F. Jacobacci, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 16 July 2015 (Case R 1617/2014-1), relating to opposition proceedings between Ferrero and Excalibur City.

Operative part of the judgment

The Court:

1. Alters the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 16 July 2015 (Case R 1617/2014-1) in such a way as to hold that the appeal brought by Excalibur City s.r.o. before the Board of Appeal is well founded and, consequently, that the opposition must be rejected;

2. Orders EUIPO to bear its own costs and to pay those incurred by Excalibur City;
3. Orders Ferrero SpA to bear its own costs.

⁽¹⁾ OJ C 398, 30.11.2015.

Judgment of the General Court of 15 September 2016 — JT International v EUIPO — Habanos (PUSH)

(Case T-633/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark PUSH — Earlier Benelux and national word and figurative marks PUNCH — Relative ground for refusal — Likelihood of confusion — Identity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 402/51)

Language of the case: English

Parties

Applicant: JT International SA (Geneva, Switzerland) (represented by: S. Malynicz QC and K.E. Gilbert and J. Gilbert, Solicitors)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Corporación Habanos, SA (Havana, Cuba) (represented by: M. Escudero Pérez, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 10 August 2015 (Case R 3046/2014-5), relating to opposition proceedings between Corporación Habanos and JT International

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders JT International SA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Corporación Habanos, SA.

⁽¹⁾ OJ C 27, 25.1.2016.

Order of the General Court of 13 September 2016 — EDF Luminus v Parliament

(Case T-384/15) ⁽¹⁾

(Arbitration clause — Electricity supply contract CNT (2009) N° 137 — Payment by the Parliament of the regional contribution made by the applicant to the Brussels-Capital Region and calculated on the basis of the power made available to the Parliament — No contractual obligation — No obligation under national law)

(2016/C 402/52)

Language of the case: French

Parties

Applicant: EDF Luminus (Brussels, Belgium) (represented by: D. Verhoeven and O. Vanden Berghe, lawyers)