

GENERAL COURT

Judgment of the General Court of 7 November 2017 — Frame v EUIPO — Bianca-Moden (BIANCALUNA)

(Case T-627/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark BIANCALUNA — Earlier national figurative mark bianca — Procedural economy — 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 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2017/C 437/30)

Language of the case: English

Parties

Applicant: Frame Srl (San Giuseppe Vesuviano, Italy) (represented by: E. Montelione, M. Borghese and R. Giordano, lawyers)

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: Bianca-Moden GmbH & Co. KG (Ochtrup, Germany) (represented by: P. Lange, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 7 August 2015 (Case R 2952/2014-5), relating to opposition proceedings between Bianca-Moden and Frame.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Frame Srl to pay the costs.

⁽¹⁾ OJ C 68, 22.2.2016.

Judgment of the General Court of 7 November 2017 — Frame v EUIPO — Bianca-Moden (Biancaluna)

(Case T-628/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark Biancaluna — Rejection — Earlier national figurative mark bianca — Relative ground for refusal — No likelihood of confusion — Identity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2017/C 437/31)

Language of the case: English

Parties

Applicant: Frame Srl (San Giuseppe Vesuviano, Italy) (represented by: E. Montelione, M. Borghese and R. Giordano, lawyers)

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: Bianca-Moden GmbH & Co. KG (Ochtrup, Germany) (represented by: P. Lange, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 7 August 2015 (Case R 2720/2014-5), relating to opposition proceedings between Bianca-Moden and Frame.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 7 August 2015 (Case R 2720/2014-5);
2. Orders EUIPO to bear its own costs and to pay those incurred by Frame Srl;
3. Orders Bianca-Moden GmbH & Co. KG to bear its own costs.

⁽¹⁾ OJ C 7, 11.1.2016.

Judgment of the General Court of 8 November 2017 — De Nicola v Council and Court of Justice of the European Union

(Case T-42/16) ⁽¹⁾

(Non-contractual liability — Civil service — EIB staff — Guidelines concerning laser treatment — Article 47 of the Charter of Fundamental Rights — Reasonable time — Failure to comply with the rules governing the right to a fair hearing — Material damage — Non-material damage — Claims made by the applicant in the context of a case pending before the Civil Service Tribunal — Partial referral of the case to the General Court)

(2017/C 437/32)

Language of the case: Italian

Parties

Applicant: Carlo De Nicola (Strassen, Luxembourg) (represented by: initially by L. Isola and G. Isola, and subsequently by G. Ferabecoli, lawyers)

Defendants: Council of the European Union (represented by: E. Rebasti and M. Veiga, acting as Agents) and Court of Justice of the European Union (represented by: initially by J. Inghelram, P. Giusta and L. Tonini Alabiso, and subsequently by J. Inghelram, acting as Agents)

Re:

Application under Article 268 TFEU seeking compensation for the damage which the applicant claims to have suffered as a result of, first, the adoption by the EU legislature of certain guidelines concerning laser treatment, second, the allegedly excessive duration of the proceedings before the European Union Civil Service Tribunal and the General Court in relation to his request for reimbursement of the medical fees connected with laser treatment, third, the supposedly unfair nature of those proceedings and, fourth, the numerous actions which he has been compelled to bring by the Civil Service Tribunal and the General Court.