

Judgment of the General Court of 15 December 2016 — Intesa Sanpaolo v EUIPO (START UP INITIATIVE)

(Case T-529/15) ⁽¹⁾

(EU trade mark — Application for EU figurative mark START UP INITIATIVE — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2017/C 038/43)

Language of the case: Italian

Parties

Applicant: Intesa Sanpaolo SpA (Turin, Italy) (represented by: P. Pozzi and F. Braga, lawyers)

Defendant: European Union Intellectual Property Office (represented initially by P. Bullock, and subsequently by L. Rampini, acting Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 29 June 2015 (Case R 2777/2014-1), concerning an application for registration of the figurative sign START UP INITIATIVE as a European Union trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Intesa Sanpaolo SpA to pay the costs.

⁽¹⁾ OJ C 371, 9.11.2015.

Judgment of the General Court of 15 December 2016 — Novartis v EUIPO (Representation of a grey curve and representation of a green curve)

(Joined Cases T-678/15 and T-679/15) ⁽¹⁾

(EU trade mark — Applications for EU figurative trade marks representing a grey curve and representing a green curve — Absolute ground for refusal — Distinctive character — Simplicity of the sign — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2017/C 038/44)

Language of the case: English

Parties

Applicant: Novartis AG (Basel, Switzerland) (represented by: M. Zintler, lawyer)

Defendant: European Union Intellectual Property Office (represented by: H. Kunz and S. Hanne, Agents)

Re:

Two actions brought against the decisions of the Fifth Board of Appeal of EUIPO of 23 September 2015 (Cases R 78/2015-5 and R 89/2015-5), concerning applications for registration of two figurative signs, representing a grey curve and representing a green curve, as EU trade marks.

Operative part of the judgment

The Court:

1. Annuls the decisions of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 23 September 2015 (Cases R 78/2015-5 and R 89/2015-5);

2. Allows the appeals brought by Novartis AG before that Board of Appeal;
3. Orders EUIPO to pay the costs.

⁽¹⁾ OJ C 90, 7.3.2016.

Judgment of the General Court of 9 November 2016 — Gallardo Blanco v EUIPO — Expasa Agricultura y Ganadería (Representation of a branding iron (shape of an H-shaped horse bit))

(Case T-716/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark consisting of the representation of a branding iron (shape of an H-shaped horse bit) — Earlier EU and Spanish figurative marks — Relative grounds for refusal — Genuine use of the earlier marks — Article 42(2) of Regulation (EC) No 207/2009 — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009)

(2017/C 038/45)

Language of the case: Spanish

Parties

Applicant: Juan Gallardo Blanco (Los Barrios, Spain) (represented by: E. Estella Garbayo, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Expasa Agricultura y Ganadería, SA (Jerez de la Frontera, Spain) (represented by: A. Bosch Döffert, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 29 September 2015 (Case R 1502/2014-2) relating to opposition proceedings between Expasa Agricultura y Ganadería and Mr Juan Gallardo Blanco.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Juan Gallardo Blanco to pay the costs.

⁽¹⁾ OJ C 59, 15.2.2016.

Order of the Vice-President of the General Court of 16 December 2016 — Casasnovas Bernad v Commission

(Case T-826/16 R)

(Application for interim measures — Civil service — Contract staff — Termination of a contract of indefinite duration — Application for suspension of operation — No urgency)

(2017/C 038/46)

Language of the case: French

Parties

Applicant: Luis Javier Casasnovas Bernad (Santo Domingo, Dominican Republic) (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented by: C. Berardis-Kayser and G. Berscheid, acting as Agents)