

Judgment of the General Court of 3 October 2017 — BMB v EUIPO — Ferrero (Container for sweets)(Case T-695/15) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing a container for sweets — Earlier international three-dimensional mark — Shape of a standard container which can be filled with sweets — Likelihood of confusion — Application of national law — Article 25(1)(e) of Regulation (EC) No 6/2002 — Article 62 and Article 63(1) of Regulation No 6/2002)

(2017/C 382/46)

Language of the case: English

Parties

Applicant: BMB sp. z o.o. (Grójec, Poland) (represented by: K. Czubkowski, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ferrero SpA (Alba, Italy) (represented by: M. Kefferpütz, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 8 September 2015 (Case R 1150/2012-3), relating to invalidity proceedings between Ferrero and BMB.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders BMB sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 38, 1.2.2016.

Judgment of the General Court of (Fourth Chamber) of 27 September 2017 — BelTechExport v Council(Case T-765/15) ⁽¹⁾

(Common foreign and security policy — Restrictive measures against Belarus — Freezing of funds — Suspension of measures — Obligation to state reasons — Rights of defence — Right to be heard — Error of assessment)

(2017/C 382/47)

Language of the case: English

Parties

Applicant: BelTechExport ZAO (Minsk, Belarus) (represented by: J. Jerņeva and E. Koškins, lawyers)

Defendant: Council of the European Union (represented by: F. Naert and J.-P. Hix, acting as Agents)

Intervener in support of the defendant: European Commission (represented by: E. Paasivirta and L. Havas, acting as Agents)

Re:

Application pursuant to Article 263 TFEU for annulment of Council Decision (CFSP) 2015/1957 of 29 October 2015 amending Decision 2012/642/CFSP concerning restrictive measures against Belarus (OJ 2015 L 284, p. 149), and of Council Regulation (EU) 2015/1948 of 29 October 2015 amending Regulation (EC) No 765/2006 concerning restrictive measures against Belarus (OJ 2015 L 284, p. 62), in so far as they concern the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders BelTechExport ZAO to bear its own costs and pay those incurred by the Council of the European Union;*
3. *Orders the European Commission to bear its own costs.*

⁽¹⁾ OJ C 68, 22.2.2016.

Judgment of the General Court of 28 September 2017 — Bodegas Verdúñez v EUIPO (TRES TOROS 3)

(Case T-206/16) ⁽¹⁾

(EU trade mark — Application for EU word mark TRES TOROS 3 — Absolute ground for refusal — Trade mark for wine containing a geographical indication — Article 7(1)(j) of Regulation (EC) No 207/2009)

(2017/C 382/48)

Language of the case: Spanish

Parties

Applicant: Bodegas Verdúñez, SL (Villanueva de Alcardete, Spain) (represented by: J. García Domínguez, lawyer)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 24 February 2016 (Case R 407/2015-5), concerning an application for registration of the word sign TRES TOROS 3 as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Bodegas Verdúñez, SL to pay the costs.*

⁽¹⁾ OJ C 251, 11.7.2016.