

Judgment of the General Court of 11 July 2018 — Link Entertainment v EUIPO — García-Sanjuan Machado (SAVORY DELICIOUS ARTISTS & EVENTS)

(Case T-694/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark SAVORY DELICIOUS ARTISTS & EVENTS — Earlier EU word mark AVORY — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the services — Articles 8(1)(b) and 53(1)(a) of Regulation (EC) No 207/2009 (now Articles 8(1)(b) and 60(1)(a) of Regulation (EU) 2017/1001))

(2018/C 301/40)

Language of the case: Spanish

Parties

Applicant: Link Entertainment, SLU (Madrid, Spain) (represented by: E. Estella Garbayo, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Sandra García-Sanjuan Machado (Barcelona, Spain) (represented by: E. Torner Lasalle, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 28 July 2017 (Case R 1758/2016-4) relating to invalidity proceedings between Ms García-Sanjuan Machado and Link Entertainment.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Link Entertainment, SLU to pay the costs.*

⁽¹⁾ OJ C 402, 27.11.2017.

Order of the General Court of 28 June 2018 — Czech Republic v Commission

(Case T-147/15) ⁽¹⁾

(Actions for annulment — European Union's own resources — Financial responsibility of the Member States — Application to be exempted from making available own resources — Letter from the Commission — Act not open to challenge — Inadmissibility)

(2018/C 301/41)

Language of the case: Czech

Parties

Applicant: Czech Republic (represented by: M. Smolek, T. Müller, J. Vlácil and J. Očková, acting as Agents)

Defendant: European Commission (represented by: A. Caeiros and Z. Malůšková, acting as Agents)

Re:

Application based on Article 263 TFEU seeking annulment of the decision allegedly made by the director of the directorate 'Own resources and financial programming' of the Directorate-General for Budget of the Commission contained in the letter with reference Ares (2015) 217973 of 20 January 2015 by which the latter dismissed the application to be exempted from making available own resources in an amount of CZK 53 976 340 submitted pursuant to Article 17(2) of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1), and requested the Czech authorities to take the necessary measures to credit the Commission's account with the amount of CZK 53 976 340, at the latest on the first working day following the nineteenth day of the second month following the dispatch of the letter concerned, at the risk of having to pay default interest pursuant to Article 11 of that regulation.

Operative part of the order

1. *The action is dismissed.*
2. *There is no need to rule on the Slovak Republic's application to intervene.*
3. *The Czech Republic shall bear its own costs and pay those incurred by the European Commission.*

⁽¹⁾ OJ C 213, 29.6.2015.

Order of the General Court of 28 June 2018 — Romania v Commission

(Case T-478/15) ⁽¹⁾

(Actions for annulment — European Union's own resources — Financial responsibility of the Member States — Obligation to pay the Commission the amount corresponding to a loss of own resources — Letter from the Commission — Act not open to challenge — Inadmissibility)

(2018/C 301/42)

Language of the case: Romanian

Parties

Applicant: Romania (represented initially by R.-H. Radu, A. Buzoianu and E. Gane, subsequently by R.-H. Radu, E. Gane, A. Wellman and M. Chicu, acting as Agents)

Defendant: European Commission (represented initially by A. Caeiros and A. Ștefănuț, subsequently by A. Caeiros and G.-D. Balan, acting as Agents)

Re:

Application based on Article 263 TFEU seeking annulment of the decision of the Directorate-General for Budget of the Commission which is contained in the letter with reference Ares (2015) 2453089 of 11 June 2015 by which the latter ordered Romania to provide it with the gross amount of EUR 1 079 513,09, from which 25 % should be deducted for collection costs, corresponding to a loss of traditional own resources, at the latest on the first working day following the nineteenth day of the second month following the dispatch of that letter, at the risk of having to pay default interest pursuant to Article 11 of Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ 2000 L 130, p. 1).