

GENERAL COURT

Judgment of the General Court of 13 July 2017 — Aristoteleio Panepistimio Thessalonikis v ERCEA

(Case T-348/16 OP) ⁽¹⁾

(Arbitration clause — Application to have a judgment set aside — Stay of execution of a judgment by default — Interlocutory judgment)

(2017/C 300/35)

Language of the case: Greek

Parties

Applicant in the main proceedings: Aristoteleio Panepistimio Thessalonikis (Thessaloniki, Greece) (represented by: V. Christianos, lawyer)

Defendant in the main proceedings: European Research Council Executive Agency (ERCEA) (represented by: M. Pesquera Alonso and F. Sgritta, acting as Agents, and E. Kourakis, lawyer)

Re:

Application to have the judgment of 6 April 2017, *Aristoteleio Panepistimio Thessalonikis v ERCEA* (T-348/16, not published, EU:T:2017:268) set aside.

Operative part of the judgment

Execution of the judgment of 6 April 2017, Aristoteleio Panepistimio Thessalonikis v ERCEA (T-348/16), is stayed pending the outcome of the application made by the European Research Council Executive Agency (ERCEA) to have that judgment set aside.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 13 July 2017 — myToys.de v EUIPO — Laboratorios Indas (myBaby)

(Case T-519/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark myBaby — Earlier EU word, and EU figurative and national word marks MAYBABY, May BaBy and MAY BABY — Ancillary appeal — Article 8(3) of Regulation (EC) No 216/96 — Merely confirmatory decision — Inadmissibility)

(2017/C 300/36)

Language of the case: English

Parties

Applicant: myToys.de GmbH (Berlin, Germany) (represented by: C. Hauss-Löhde and M. Mette, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Laboratorios Indas, SA (Pozuelo de Alarcon, Spain) (represented by: M. de Justo Bailey, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 17 June 2015 (Case R 1002/2014-2), relating to opposition proceedings between Laboratorios Indas and myToys.de.

Operative part of the judgment

The Court:

1. *The action is dismissed;*
2. *myToys.de GmbH shall bear its own costs and pay those incurred by Laboratorios Indas, SA;*
3. *European Union Intellectual Property Office (EUIPO) shall bear its own costs.*

⁽¹⁾ OJ C 363, 3.11.2015.

**Order of the President of the General Court of 13 July 2017 — Aristoteleio Panepistimio
Thessalonikis v ERCEA**

(Case T-348/16 OP-R)

(Interim measures — Arbitration clause — Judgment by default — Application for a stay of execution of the judgment — Lack of jurisdiction)

(2017/C 300/37)

Language of the case: Greek

Parties

Applicant in the main proceedings: Aristoteleio Panepistimio Thessalonikis (Thessalonica, Greece) (represented by: V. Christianos, lawyer)

Defendant in the main proceedings: European Research Council Executive Agency (ERCEA) (represented by: M. Pesquera Alonso and F. Sgritta, acting as Agents, and by E. Kourakis, lawyer)

Re:

Application under Article 123(4) and Article 156 of the Rules of Procedure of the General Court seeking a stay of execution of the judgment of 6 April 2017, *Aristoteleio Panepistimio Thessalonikis v ERCEA* (T-348/16, not published, EU:T:2017:268).

Operative part of the order

1. *The application is dismissed.*
 2. *The costs are reserved.*
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