

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Caffè Nero Group Ltd to pay the costs.

⁽¹⁾ OJ C 106, 21.3.2016.

Judgment of the General Court of 27 October 2016 — Caffè Nero Group v EUIPO (CAFFÈ NERO)

(Case T-37/16) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark CAFFÈ NERO — Absolute grounds for refusal — No distinctive character — Descriptiveness — Mark of such a nature as to deceive the public — Article 7(1)(b), (c) and (g) of Regulation (EC) No 207/2009)

(2016/C 462/29)

Language of the case: English

Parties

Applicant: Caffè Nero Group Ltd (London, United Kingdom) (represented by: L. Cassidy, Solicitor)

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

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 6 November 2015 (Case R 954/2015-1), relating to the application for registration of the figurative sign CAFFÈ NERO as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Caffè Nero Group Ltd to pay the costs.

⁽¹⁾ OJ C 106, 21.3.2016.

Order of the General Court of 19 October 2016 — E-Control v ACER

(Case T-671/15) ⁽¹⁾

(Action for annulment — Energy — Regulation (EC) No 713/2009 — Regulation (EC) No 714/2009 — Opinion of ACER — National regulatory authorities' decisions approving the methods of allocation of cross-border electricity transmission capacity — Central-East Europe region — Compatibility — Act not open to challenge — Inadmissibility)

(2016/C 462/30)

Language of the case: English

Parties

Applicant: Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft (E-Control) (Vienna, Austria) (represented by: F. Schuhmacher, lawyer)

Defendant: Agency for the Cooperation of Energy Regulators (ACER) (represented by: E. Tremmel, acting as Agent)

Re:

Application under Article 263 TFEU for annulment of Opinion No 09/2015 of ACER of 23 September 2015 on the compliance of national regulatory authorities' decisions approving the methods of allocation of cross-border transmission capacity in the Central-East Europe region with Regulation (EC) No 714/2009 and the Guidelines on the management and allocation of available transfer capacity of interconnections between national systems contained in Annex I thereto.

Operative part of the order

1. *The action is dismissed as inadmissible.*
2. *There is no longer any need to rule on the applications to intervene of the Republic of Austria, the Republic of Poland, Wirtschaftskammer Österreich, Verbund AG and Polskie Sieci Elektroenergetyczne S.A.*
3. *Energie-Control Austria für die Regulierung der Elektrizitäts- und Erdgaswirtschaft (E-Control) shall bear its own costs and shall pay those incurred by the Agency for the Cooperation of Energy Regulators (ACER), including those relating to the interim proceedings.*
4. *The Republic of Austria, the Republic of Poland, Wirtschaftskammer Österreich, Verbund AG and Polskie Sieci Elektroenergetyczne S.A. shall bear their own costs relating to the applications to intervene.*

⁽¹⁾ OJ C 38, 1.2.2016.

Order of the General Court of 18 October 2016 — Laboratoire de la mer v EUIPO — Boehringer Ingelheim Pharma (RESPIMER)

(Case T-109/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark RESPIMER — Earlier EU word mark RESPIMAT — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Action manifestly lacking any foundation in law)

(2016/C 462/31)

Language of the case: English

Parties

Applicant: Laboratoire de la mer (Saint-Malo, France) (represented by: S. Szilvasi, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Boehringer Ingelheim Pharma GmbH & Co. KG (Ingelheim, Germany)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 21 January 2016 (Case R 3109/2014-5), relating to opposition proceedings between Boehringer Ingelheim Pharma and Laboratoire de la mer.