

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Alcohol Countermeasure Systems (International) Inc. to pay the costs.

⁽¹⁾ OJ C 16, 18.1.2016.

Judgment of the General Court of 28 March 2017 — Portugal v Commission

(Case T-733/15) ⁽¹⁾

(Failure to comply with a judgment of the Court of Justice finding that a State has failed to fulfil its obligations — Penalty payment — Decision quantifying the penalty payment — Repeal of the contested national measure — Date on which the infringement was brought to an end)

(2017/C 151/43)

Language of the case: Portuguese

Parties

Applicant: Portuguese Republic (represented by: L. Inez Fernandes and M. Figueiredo, acting as Agents, and L. Silva Morais, lawyer)

Defendant: European Commission (represented by: L. Nicolae and P. Costa de Oliveira, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking annulment of Commission Decision Ares(2015)4178538 of 8 October 2015 requesting payment by the Portuguese Republic of the sum of EUR 580 000, corresponding to the quantified penalty payment, for the period from 25 June to 21 August 2014, in compliance with the judgment of 25 June 2014, *Commission v Portugal* (C-76/13, not published, EU:C:2014:2029).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Portuguese Republic to pay the costs.

⁽¹⁾ OJ C 68, 22.2.2016.

Judgment of the General Court of 3 April 2017 — Germany v Commission

(Case T-28/16) ⁽¹⁾

(EAGF and EAFRD — Expenditure excluded from financing — Rural development — Land consolidation and village renewal — Criteria used for selection of operations — Principle of sincere cooperation — Subsidiarity — Legitimate expectations — Proportionality — Obligation to state reasons)

(2017/C 151/44)

Language of the case: German

Parties

Applicant: Federal Republic of Germany (represented: initially by T. Henze and A. Lippstreu, and subsequently by T. Henze and D. Klebs, acting as Agents)

Defendant: European Commission (represented by: J. Aquilina and B. Eggers, acting as Agents)

Re:

Application pursuant to Article 263 TFEU seeking the annulment of Article 1 and the Annex of Commission Implementing Decision (EU) 2015/2098, of 13 November 2015, excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2015 L 303, p. 35), in so far as the payments made by the agency responsible for payment in the Federal Republic of Germany under the European Agricultural Fund for Rural Development (EAFRD), in the total amount of EUR 7 719 920.30, are excluded from EU financing.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Federal Republic of Germany to pay the costs.*

⁽¹⁾ OJ C 98, 14.3.2016.

Judgment of the General Court of 30 March 2017 — Apax Partners UK v EUIPO — Apax Partners Midmarket (APAX PARTNERS)

(Case T-209/16) ⁽¹⁾

(EU trade mark — Invalidity proceedings — Application for the EU word mark APAX PARTNERS — Earlier international word mark APAX — Relative ground for refusal — Likelihood of confusion — Similarity of the services — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2017/C 151/45)

Language of the case: English

Parties

Applicant: Apax Partners UK Ltd (London, United Kingdom) (represented by: D. Rose and J. Warner, Solicitors)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Apax Partners Midmarket (Paris, France) (represented by: C. Joly, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 17 February 2016 (Case R 1611/2014-2), relating to invalidity proceedings between Apax Partners Midmarket and Apax Partners UK.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Apax Partners UK Ltd to pay the costs, including those necessarily incurred by Apax Partners Midmarket for the purposes of the proceedings before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).*

⁽¹⁾ OJ C 232, 27.6.2016.