

Judgment of the General Court of 13 December 2017 — Crédit mutuel Arkéa v ECB(Case T-52/16) ⁽¹⁾

(Economic and monetary policy — Prudential supervision of credit institutions — Article 4(3) of Regulation (EU) No 1024/2013 — Prudential supervision at the consolidated level — Group subject to prudential supervision — Institutions permanently affiliated to a central body — Article 2(21)(c) of Regulation (EU) No 468/2014 — Article 10 of Regulation (EU) No 575/2013 — Capital requirements — Article 16(1)(c) and (2)(a) of Regulation No 1024/2013)

(2018/C 042/20)

Language of the case: French

Parties

Applicant: Crédit mutuel Arkéa (Le Relecq Kerhuon, France) (represented by: H. Savoie and P. Mele, lawyers)

Defendant: European Central Bank (ECB) (represented by: K. Lackhoff, R. Bax and C. Olivier, acting as Agents, and M. Pittie, lawyer)

Intervener in support of the defendant: European Commission (represented by: V. Di Bucci and K.-P. Wojcik, acting as Agents)

Re:

Application based on Article 263 TFEU seeking the annulment of Decision ECB/SSM/2015 — 9695000CG 7B84NLR5984/40 of the ECB of 4 December 2015 setting out the prudential requirements for the Crédit Mutuel group.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Crédit mutuel Arkéa to bear its own costs and to pay those incurred by the European Central Bank (ECB).
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 111, 29.3.2016.

Judgment of the General Court of 13 December 2017 — Delfin Wellness v EUIPO — Laher (Infrared and sauna cabins)(Case T-114/16) ⁽¹⁾

(Community design — Invalidity proceedings — Registered community designs representing infrared and sauna cabins — Earlier designs — Ground for invalidity — Lack of novelty — Article 5 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Disclosure of the earlier designs before the date of priority — Article 7(1) and (2) of Regulation No 6/2002 — Right to be heard — Article 64(1) of Regulation No 6/2002)

(2018/C 042/21)

Language of the case: German

Parties

Applicant: Delfin Wellness GmbH (Leonding, Austria) (represented by: T. Riedler, 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: Sabine Laher (Weyer, Austria) (represented by: P. Pfeil, lawyer)

Re:

Action brought against three decisions of the Third Board of Appeal of EUIPO of 12 January 2016 (Cases R 849/2014–3, R 850/2014–3 and R 851/2014–3), relating to invalidity proceedings between Delfin Wellness and Ms Laher.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Delfin Wellness GmbH to pay the costs, including the costs necessarily incurred by Ms Sabine Laher for the purposes of the three sets of proceedings before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 165, 10.5.2016.

Judgment of the General Court of 14 December 2017 — GeoClimaDesign v EUIPO — GEO (GEO)

(Case T-280/16) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark GEO — Absolute grounds for refusal — Distinctive character — Lack of descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001) — Article 52(1)(a) of Regulation No 207/2009 (now Article 59(1)(a) of Regulation 2017/1001))

(2018/C 042/22)

Language of the case: German

Parties

Applicant: GeoClimaDesign AG (Fürstenwalde/Spree, Germany) (represented by: B. Lanz, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: GEO Gesellschaft für Energie und Oekologie GmbH (Langenhorn, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 29 March 2016 (Case R 1679/2015-4) relating to invalidity proceedings between GEO and GeoClimaDesign.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders GeoClimaDesign AG to pay the costs.

⁽¹⁾ OJ C 260, 18.7.2016.