

**Operative part of the judgment**

The Court:

1. Dismisses the action.
2. Orders the Republic of Poland to pay the costs.

<sup>(1)</sup> OJ C 311, 21.9.2015.

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**Judgment of the General Court of 1 March 2018 — Shoe Branding Europe v EUIPO — adidas (Device of two parallel stripes on a shoe)**

(Case T-85/16) <sup>(1)</sup>

*(EU trade mark — Opposition proceedings — Application for EU figurative mark consisting of two parallel stripes on a shoe — Earlier EU figurative mark representing three parallel stripes on a shoe — Relative ground for refusal — Damage to reputation — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001))*

(2018/C 142/54)

Language of the case: English

**Parties**

*Applicant:* Shoe Branding Europe BVBA (Oudenaarde, Belgium) (represented by: J. Løje, lawyer)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* adidas AG (Herzogenaurach, Germany) (represented by: I. Fowler and I. Junkar, Solicitors)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 26 November 2015 (Case R 3106/2014-2), relating to opposition proceedings between adidas and Shoe Branding Europe.

**Operative part of the order**

1. Dismisses the action;
2. Orders Shoe Branding Europe BVBA to pay the costs.

<sup>(1)</sup> OJ C 136, 18.4.2016.

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**Judgment of the General Court of 7 March 2018 —Le Pen v Parliament**

(Case T-140/16) <sup>(1)</sup>

*(Rules governing the payment of expenses and allowances of Members of the European Parliament — Parliamentary assistance allowance — Recovery of sums unduly paid — Authority of the Secretary-General — Burden of proof — Obligation to state reasons — Misuse of powers — Error of fact — Equal treatment)*

(2018/C 142/55)

Language of the case: French

**Parties**

*Applicant:* Jean-Marie Le Pen (Saint-Cloud, France) (represented initially by M. Ceccaldi and J.-P. Le Moigne, subsequently by M. Ceccaldi, and finally by F. Wagner, lawyers)

*Defendant:* European Parliament (represented by S. Seyr and G. Corstens, acting as Agents)

**Re:**

Application pursuant to Article 263 TFEU seeking annulment of the decision of the Secretary-General of the Parliament of 29 January 2016 relating to the recovery from the applicant of a sum of EUR 320 026,23 unduly paid for parliamentary assistance and of the related debit note of 4 February 2016.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Mr Jean-Marie Le Pen to pay the costs, including those relating to the proceedings for interim measures.*

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<sup>(1)</sup> OJ C 191, 30.5.2016.

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**Judgment of the General Court of 1 March 2018 — Altunis v EUIPO — Hotel Cipriani (CIPRIANI)**  
**(Case T-438/16) <sup>(1)</sup>**

***(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark CIPRIANI — Earlier EU word mark HOTEL CIPRIANI — Genuine use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009 (now Article 47(2) of Regulation (EU) 2017/1001) — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation 2017/1001))***

(2018/C 142/56)

*Language of the case: English*

**Parties**

*Applicant:* Altunis-Trading, Gestão e Serviços, Lda (Funchal, Portugal) (represented by: A. Vanzetti, S. Bergia and G. Sironi, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Crespo Carrillo and D. Walicka, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Hotel Cipriani Srl (Venice, Italy) (represented initially by P. Cantrill, Solicitor, and B. Brandreth, Barrister, and subsequently by B. Brandreth, A. Poulter and P. Brownlow, Solicitors)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 7 June 2016 (Case R 1889/2015-4), relating to opposition proceedings between Hotel Cipriani and Altunis-Trading, Gestão e Serviços.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Altunis-Trading, Gestão e Serviços, Lda to pay the costs.*

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<sup>(1)</sup> OJ C 343, 19.9.2016.