

GENERAL COURT

Judgment of the General Court of 5 June 2018 — Prada v EUIPO — The Rich Prada International (THE RICH PRADA)

(Case T-111/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark THE RICH PRADA — Earlier national and international word and figurative marks PRADA — Relative grounds for refusal — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001) — Taking unfair advantage of the distinctive character or repute of the earlier mark — Detriment to the distinctive character or repute — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation 2017/1001) — Likelihood of confusion)

(2018/C 249/25)

Language of the case: English

Parties

Applicant: Prada SA (Luxembourg, Luxembourg) (represented by: F. Jacobacci, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: The Rich Prada International PT (Surabaya, Indonesia) (represented by: Y. Zhou, Solicitor)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 13 January 2016 (Joined Cases R 3076/2014-2 and R 3186/2014-2), as rectified on 14 March 2017, relating to opposition proceedings between Prada and The Rich Prada International.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Prada SA to pay the costs.

⁽¹⁾ OJ C 175, 17.5.2016.

Judgment of the General Court of 31 May 2018 — Groningen Seaports and Others v Commission

(Case T-160/16) ⁽¹⁾

(State aid — Corporate tax exemption granted by the Netherlands to six Dutch public seaports — Decision declaring the aid scheme incompatible with the internal market — Obligation to state reasons — Equal treatment)

(2018/C 249/26)

Language of the case: Dutch

Parties

Applicants: Groningen Seaports NV (Delfzijl, Netherlands) and the 5 other applicants whose names appear in the annex to the judgment (represented initially by E. Pijnacker Hordijk and I. Kieft, and subsequently by A. Kleinhout and C. Zois, lawyers)

Defendant: European Commission (represented by: initially by S. Noë, B. Stromsky and J.-F. Brakeland, and subsequently by S. Noë and B. Stromsky, acting as Agents)

Intervener in support of the applicants: Kingdom of the Netherlands (represented by: J. Langer and M. Bulterman, acting as Agents)

Re:

APPLICATION under Article 263 TFEU for annulment of Commission Decision (EU) 2016/634 of 21 January 2016 on aid measure SA.25338 (2014/C) (ex E 3/2008 and ex CP 115/2004) implemented by the Netherlands — Corporate tax exemption for public undertakings (OJ 2016 L 113, p. 148).

Operative part of the judgment

The Court:

1. Grants Havenbedrijf Moerdijk NV leave to replace Havenschap Moerdijk as applicant;
2. Dismisses the action;
3. Orders Groningen Seaports NV and the other applicants whose names appear in the annex to bear their own costs and to pay the costs incurred by the European Commission;
4. Orders the Kingdom of the Netherlands to bear its own costs.

⁽¹⁾ OJ C 200, 6.6.2016.

Judgment of the General Court of 6 June 2018 — Lukash v Council

(Case T-210/16) ⁽¹⁾

(Common foreign and security policy — Restrictive measures taken in view of the situation in Ukraine — Freezing of funds — List of persons, entities and bodies subject to the freezing of funds and economic resources — Maintenance of the applicant's name on the list — Obligation to state reasons — Failure to fulfil criteria for listing — Error of fact — Error of assessment — Rights of the defence — Right to an effective remedy — Right to property)

(2018/C 249/27)

Language of the case: French

Parties

Applicant: Olena Lukash (Kiev, Ukraine) (represented by: M. Cessieux, lawyer)

Defendant: Council of the European Union (represented by: F. Naert and J.-P. Hix, acting as Agents)