

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Celon Pharma S. A. (Łomianki, Poland) (represented by: M. Krasieński, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 31 August 2016 (Case R 2108/2015-4) relating to invalidity proceedings between Glaxo Group Ltd and Celon Pharma.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 31 August 2016 (Case R 2108/2015-4);*
2. *Orders EUIPO to bear its own costs and those incurred by Glaxo Group Ltd during the proceedings before the General Court;*
3. *Orders Celon Pharma S.A. to bear its own costs relating to the proceedings before the General Court.*

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the General Court of 1 June 2018 — Casual Dreams v EUIPO — López Fernández (Dayaday)

(Case T-900/16) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for EU figurative mark Dayaday — Earlier national figurative marks DAYADAY and dayaday — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001) — Reputation — Advantage unfairly taken of the distinctive character or the repute of the earlier trade mark)

(2018/C 249/32)

Language of the case: Spanish

Parties

Applicant: Casual Dreams, SLU (Manresa, Spain) (represented by: A. Tarí Lázaro, lawyer)

Defendant: European Union Intellectual Property Office (represented by: initially by S. Palmero Cabezas, and subsequently by J. Crespo Carillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Miguel Ángel López Fernández (Fuensalida, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 6 October 2016 (Case R 375/2016-2), relating to opposition proceedings between Casual Dreams and Mr López Fernández.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 6 October 2016 (Case R 375/2016-2);*

2. Orders EUIPO to bear its own costs and to pay the costs incurred by Casual Dreams, SLU, including those incurred in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 95, 27.3.2017.

Judgment of the General Court of 31 May 2018 — Consorzio di garanzia dell'olio extra vergine di oliva di qualità v Commission

(Case T-163/17) ⁽¹⁾

(Non-contractual liability — Simultaneous promotion campaigns in third countries for olive oil, one financed by the EAGF and intended to promote olive oil of European origin, and the other financed by the ERDF and intended to promote olive oil of Spanish origin — Lack of coordination between the Commission's staff responsible for managing the two programmes — Material damage — Market loss and loss of revenue — Non-material damage — Damage to commercial reputation)

(2018/C 249/33)

Language of the case: Italian

Parties

Applicant: Consorzio di garanzia dell'olio extra vergine di oliva di qualità (Rome, Italy) (represented by: initially by A. Fratini and G. Pandolfi, and subsequently by A. Fratini, lawyers)

Defendant: European Commission (represented by: A. Lewis, D. Bianchi and F. Moro, acting as Agents)

Re:

APPLICATION under Article 268 TFEU for compensation for the damage which the applicant claims to have suffered as a result, in essence, of (i) a lack of coordination between the Commission's staff responsible for managing promotion campaigns for European and Spanish olive oils in third countries (India, Russia and China), co-financed by European funds, and (ii) a failure to eliminate the distortions of competition and adverse effects resulting therefrom.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Consorzio di garanzia dell'olio extra vergine di oliva di qualità to bear its own costs;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 129, 24.4.2017.