

Order of the President of the General Court of 20 July 2016 — MSD Animal Health Innovation and Intervet international v EMA

(Case T-729/15 R)

(Application for interim measures — Access to documents — Regulation (EC) No 1049/2001 — Documents held by the EMA concerning information submitted by an undertaking as part of its application for authorisation to place a medicinal product on the market — Decision to grant a third party access to the documents — Application for suspension of operation of a measure — Urgency — Prima facie case — Weighing up of interests)

(2016/C 335/63)

Language of the case: English

Parties

Applicants: MSD Animal Health Innovation GmbH (Schwabenheim, Germany) and Intervet international BV (Boxmeer, Netherlands) (represented by: P. Bogaert, lawyer, B. Kelly and H. Billson, Solicitors, J. Stratford QC, and C. Thomas, Barrister)

Defendant: European Medicines Agency (EMA) (represented by: T. Jabłoński, N. Rampal Olmedo, A. Spina, A. Rusanov and S. Marino, acting as Agents)

Re:

Application based on Articles 278 TFEU and 279 TFEU, in essence, for the suspension of operation of Decision EMA/785809/2015 of the EMA of 25 November 2015, granting to a third party, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43), access to certain documents containing information submitted in the context of an application for marketing authorisation for the veterinary medicinal product Bravecto.

Operative part of the order

1. *The operation of Decision EMA/785809/2015 of the European Medicines Agency (EMA) of 25 November 2015 is suspended, in so far as that decision grants a third party access, pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, to toxicity study reports C 45151/28-day dermal (6 hours semi-occlusive) toxicity study in wistar rats, C 45162/28-day oral (gavage) toxicity study in wistar rats, and C 88913/28-day dermal (6 hours semi-occlusive) toxicity study in wistar rats..*
2. *The EMA shall not disclose the reports mentioned in point 1.*
3. *Costs are reserved.*

Action brought on 21 July 2016 — Asna v EUIPO — Wings Software (ASNA WINGS)

(Case T-382/16)

(2016/C 335/64)

Language in which the application was lodged: Spanish

Parties

Applicant: Asna, Inc. (San Antonio, Texas, United States) (represented by: J. Devaureix and J.C. Erdozain López, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Wings Software BVBA (Heist-Op-den-Berg, Belgium)

Details of the proceedings before EUIPO

Applicant: Applicant

Trade mark at issue: European Union word mark 'ASNA WINGS' — Application for registration No 11 388 352

Procedure before EUIPO: Opposition proceedings

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 26 April 2016 in Case R 436/2015-5

Form of order sought

The applicant claims that the Court should:

- declare the application admissible, together with all of the relevant documents and copies;
- declare the proposed evidence admissible;
- annul and declare inapplicable the contested decision;
- order EUIPO to pay the costs.

Pleas in law

- Error as to the proof of use by the other party;
- Infringement of Article 8(1)(b) of Regulation No 207/2009.

Action brought on 22 July 2016 — AIA v EUIPO — Casa Montorsi (MONTORSI F. & F.)
(Case T-389/16)
(2016/C 335/65)

Language in which the application was lodged: Italian

Parties

Applicant: Agricola italiana alimentare SpA (AIA) (San Martino Buon Albergo, Italy) (represented by: S. Rizzo, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Casa Montorsi Srl (Vignola, Italy)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: European Union word mark 'MONTORSI F. & F.' — EU trade mark No 5 681 663

Procedure before EUIPO: Invalidity proceedings

Contested decision: Decision of the First Board of Appeal of EUIPO of 28 April 2016 in Case R 1239/2014-1