

7. Reserves the costs in Case T-381/15.

⁽¹⁾ OJ C 221, 10.7.2017.

Judgment of the Court (Third Chamber) of 31 January 2019 — Georgios Pandalis v European Union Intellectual Property Office (EUIPO), LR Health & Beauty Systems GmbH

(Case C-194/17 P) ⁽¹⁾

(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Article 51(1)(a) and (2) and Article 75 — EU trade mark Cystus — Food supplements not for medical purposes — Partial revocation — Lack of genuine use of the trade mark — Perception of the word ‘cystus’ as a descriptive indication of the main ingredient of the goods concerned — Obligation to state reasons)

(2019/C 112/03)

Language of the case: German

Parties

Appellant: Georgios Pandalis (represented by: A. Franke, Rechtsanwältin)

Other parties to the proceedings: European Union Intellectual Property Office (EUIPO) (represented by: S. Hanne and D. Walicka, acting as Agents), LR Health & Beauty Systems GmbH (represented by: N. Weber and L. Thiel, Rechtsanwälte)

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Georgios Pandalis to pay the costs.

⁽¹⁾ OJ C 300, 11.9.2017.

Judgment of the Court (First Chamber) of 30 January 2019 (request for a preliminary ruling from the Verwaltungsgericht Berlin — Germany) — Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG v Land Berlin

(Case C-220/17) ⁽¹⁾

(Reference for a preliminary ruling — Approximation of laws — Validity of Directive 2014/40/EU — Manufacture, presentation and sale of tobacco products — Regulation of ‘ingredients’ — Prohibition of flavoured tobacco products)

(2019/C 112/04)

Language of the case: German

Referring court

Verwaltungsgericht Berlin

Parties to the main proceedings

Applicant: Planta Tabak-Manufaktur Dr. Manfred Obermann GmbH & Co. KG

Defendant: Land Berlin

Operative part of the judgment

1. Examination of the first question referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity of Article 7(1), (7) and (14) of Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC.
2. Article 7(14) of Directive 2014/40 must be interpreted as meaning, first, that the concept of ‘product category’ within the meaning of that provision covers cigarettes and roll-your-own tobacco and, second, that the procedure to be followed for determining whether a particular tobacco product reaches the 3 % limit laid down in that provision must be established in accordance with the domestic law of the Member State concerned.
3. Articles 8 to 11 of Directive 2014/40 must be interpreted as not allowing the Member States to determine transposition periods additional to those provided for in Articles 29 and 30 of that directive.
4. Examination of the second question referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity of the second subparagraph of Article 9(1), the second sentence of Article 9(4)(a), Article 9(6), Article 10(1)(b), (e) and (f), and the first sentence of the first subparagraph of Article 11(1) of Directive 2014/40.
5. Article 13(1)(c) and (3) of Directive 2014/40 must be interpreted as requiring the Member States to prohibit the use of information referring to taste, smell, flavourings or other additives even where that information is not promotional information and the use of the ingredients concerned is still permitted.
6. Examination of the third question referred for a preliminary ruling has disclosed no factor of such a kind as to affect the validity of Article 13(1)(c) and (3) of Directive 2014/40.

⁽¹⁾ OJ C 239, 24.7.2017.

Judgment of the Court (Fourth Chamber) of 31 January 2019 — Islamic Republic of Iran Shipping Lines and Others v Council of the European Union, European Commission

(Case C-225/17 P) ⁽¹⁾

(Appeal — Common foreign and security policy — Restrictive measures taken against the Islamic Republic of Iran — Freezing of funds and economic resources — Annulment of a listing by the General Court of the European Union — Amendment of the criteria governing inclusion on a list of persons and entities whose assets are to be frozen — Re-listing — Evidence dating from before the first listing — Facts known before the first listing — Force of res judicata — Scope — Legal certainty — Protection of legitimate expectations — Principle Non bis in idem — Effective judicial protection)

(2019/C 112/05)

Language of the case: English

Parties

Appellants: Islamic Republic of Iran Shipping Lines, Hafize Darya Shipping Lines (HDSL), Khazar Shipping Lines, IRISL Europe GmbH, Qeshm Marine Services & Engineering Co., Irano Misr Shipping Co., Safiran Payam Darya Shipping Lines, Marine Information Technology Development Co., Rahbaran Omid Darya Ship Management Co., Hoopad Darya Shipping Agency and Valfajr 8th Shipping Line Co. (represented by: M. Lester QC and M. Taher, Solicitor)

Other parties to the proceedings: Council of the European Union (represented by: J. Kneale and M. Bishop, Agents), European Commission (represented by: D. Gauci and by T. Scharf, Agents)