

**Judgment of the General Court of 6 June 2018 — Arbuzov v Council**(Case T-258/17) <sup>(1)</sup>

***(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 — Manifest error of assessment)***

(2018/C 249/34)

Language of the case: Czech

**Parties**

*Applicant:* Sergej Arbuzov (Kiev, Ukraine) (represented by: M. Mleziva, lawyer)

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

**Re:**

APPLICATION pursuant to Article 263 TFEU seeking annulment of Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (JO 2017 L 58, p. 34), in so far as the applicant's name was included or maintained in the list of persons, entities and bodies subject to those restrictive measures.

**Operative part of the judgment**

*The Court:*

1. Annuls Council Decision (CFSP) 2017/381 of 3 March 2017 amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine in so far as Sergej Arbuzov's name was maintained in the list of persons, entities and bodies subject to those restrictive measures;
2. Orders the Council of the European Union to pay the costs.

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<sup>(1)</sup> OJ C 213, 3.7.2017.

**Judgment of the General Court of 6 June 2018 — Uponsor Innovation v EUIPO — Swep International (SMATRIX)**(Case T-264/17) <sup>(1)</sup>

***(EU trade mark — Opposition proceedings — Application for the EU word mark SMATRIX — Prior EU figurative mark AsyMatrix — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Article 76 of Regulation No 207/2009 (now Article 95 of Regulation 2017/1001) — Extent of the examination to be carried out by the Board of Appeal — Failure to assess an item of evidence produced before the Opposition Division)***

(2018/C 249/35)

Language of the case: English

**Parties**

*Applicant:* Uponsor Innovation AB (Borås, Sweden) (represented by: A. Kylhammar, lawyer)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Swep International AB (Landskrona, Sweden) (represented by: J. Norderyd and C. Sundén, lawyers)*

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 1 March 2017 (Case R 236/2016-2), relating to opposition proceedings between Swep International and Uponsor Innovation.

**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 1 March 2017 (Case R 236/2016-2);*
2. *Orders EUIPO to bear its own costs and to pay those incurred by Uponsor Innovation in the proceedings before the General Court;*
3. *Orders Swep International AB to bear its own costs and to pay those incurred by Uponsor Innovation in the proceedings before the Board of Appeal of EUIPO.*

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<sup>(1)</sup> OJ C 221, 10.7.2017.

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**Judgment of the General Court of 29 May 2018 — Sata v EUIPO — Zhejiang Rongpeng Air Tools (6000)**

**(Case T-302/17) <sup>(1)</sup>**

***(EU trade mark — Invalidity proceedings — EU word mark 6000 — Absolute ground for refusal — Descriptive character — Article 52(1)(a) and (b) of Regulation (EC) No 207/2009 (now Article 59(1)(a) and (b) of Regulation (EU) 2017/1001) — Article 7(1)(c) of Regulation No 207/2009 (now Article 7(1)(c) of Regulation 2017/1001) — Equal treatment — Principle of sound administration — Obligation to state reasons)***

(2018/C 249/36)

*Language of the case: German*

**Parties**

*Applicant: Sata GmbH & Co. KG (Kornwestheim, Germany) (represented by: M.-C. Simon, lawyer)*

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Zhejiang Rongpeng Air Tools Co. Ltd (Pengjie Town, China) (represented by: S. Fröhlich and M. Hartmann, lawyers)*

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 March 2017 (Case R 656/2016-4), relating to invalidity proceedings between Zhejiang Rongpeng Air Tools and Sata.