

Judgment of the General Court of 10 October 2019 — Help — Hilfe zur Selbsthilfe v Commission(Case T-335/17) ⁽¹⁾

(Arbitration clause — Food security programme for very food insecure farming households in Zimbabwe (ECHO/ZWE/BUD/2009/02002) — Reclassification of the action — Audit reports — Audit report of the Court of Auditors — OLAF Report — Reimbursement of the sums paid — Proportionality — Legitimate expectations)

(2019/C 432/41)

Language of the case: German

Parties

Applicant: Help — Hilfe zur Selbsthilfe (Bonn, Germany) (represented initially by V. Jungkind and P. Cramer, and subsequently by V. Jungkind and F. Geber, lawyers)

Defendant: European Commission (represented by A. Aresu, K. Blanck and A. Katsimerou, acting as Agents)

Re:

First, application under Article 263 TFEU seeking annulment of Commission decision Ares(2017)1515573 of 21 March 2017 by which a partial amount of the funding for the assistance project ECHO/ZWE/BUD/2009/02002 was to be recovered, as well as the payment request based thereupon and, second, application under Article 272 TFEU seeking an order that the Commission reimburse the sum of EUR 643 627,72 paid by the applicant to the Commission, in accordance with the decision of 21 March 2017 and the payment requests of 7 April and 5 September 2017.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Help — Hilfe zur Selbsthilfe to pay the costs.*

⁽¹⁾ OJ C 239, 24.7.2017.

Judgment of the General Court of 24 October 2019 — Rubik's Brand v EUIPO — Simba Toys (Shape of a cube with surfaces having a grid structure)(Case T-601/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — Three-dimensional EU trade mark — Shape of a cube with surfaces having a grid structure — Absolute ground for refusal — Article 7(1)(e)(ii) of Regulation No 40/94 (now Article 7(1)(e)(ii) of Regulation 2017/1001) — Sign consisting exclusively of the shape of goods necessary to obtain a technical result — Article 76(1) of Regulation (EC) No 207/2009 (now Article 95(1) of Regulation 2017/1001) — Second sentence of Article 75(1) of Regulation No 207/2009 (now the second sentence of Article 94(1) of Regulation 2017/1001) — Article 65(6) of Regulation No 207/2009 (now Article 72(6) of Regulation 2017/1001))

(2019/C 432/42)

Language of the case: English

Parties

Applicant: Rubik's Brand Ltd (London, United Kingdom) (represented by: K. Szamosi and M. Borbás, lawyers)