

Judgment of the General Court of 12 September 2018 — Pelikan v EUIPO — NBA Properties (NEW ORLEANS PELICANS)

(Case T-112/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark NEW ORLEANS PELICANS — Earlier EU word marks and earlier national figurative mark Pelikan — Article 8(1)(b) and Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and Article 8(5) of Regulation (EU) 2017/1001)

(2018/C 381/26)

Language of the case: English

Parties

Applicant: Pelikan Vertriebsgesellschaft mbH & Co. KG (Hanover, Germany) (represented by: U. Hildebrandt, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Gája and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: NBA Properties, Inc. (New York, New York, United States) (represented initially by: M. Chapple, and subsequently by T. Elias, Barristers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 16 December 2016 (Case R 408/2016-4), concerning opposition proceedings between Pelikan Vertriebsgesellschaft and NBA Properties.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Pelikan Vertriebsgesellschaft mbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 129, 24.4.2017.

Judgment of the General Court of 12 September 2018 — Primart v EUIPO — Bolton Cile España (PRIMART Marek Łukasiewicz)

(Case T-584/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark PRIMART Marek Łukasiewicz — Earlier national word marks PRIMA — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001)

(2018/C 381/27)

Language of the case: English

Parties

Applicant: Przedsiębiorstwo Produkcyjno-Handlowe 'Primart' Marek Łukasiewicz (Wołomin, Poland) (represented by: J. Skołodą, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Bolton Cile España, SA (Madrid, Spain) (represented by: F. Celluprica, F. Fischetti and F. De Bono, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 22 June 2017 (Case R 1933/2016-4), relating to opposition proceedings between Bolton Cile España and Przedsiębiorstwo Produkcyjno-Handlowe 'Primart' Marek Łukasiewicz.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Przedsiębiorstwo Produkcyjno-Handlowe 'Primart' Marek Łukasiewicz to pay the costs.

⁽¹⁾ OJ C 374, 6.11.2017.

Order of the General Court of 19 July 2018 — Front Polisario v Council

(Case T-180/14) ⁽¹⁾

(Action for annulment — Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco — Protocol setting out the fishing opportunities provided for in that agreement — Act concluding the agreement — Applicability of the agreement and protocol to the territory of Western Sahara and the waters adjacent thereto — Lack of standing to bring proceedings — Inadmissibility)

(2018/C 381/28)

Language of the case: French

Parties

Applicant: Front populaire pour la libération de la Saguia-el-Hamra et du Rio de Oro (Front Polisario) (represented by: G. Devers, lawyer)

Defendant: Council of the European Union (represented by: S. Kyriakopoulou, A. de Elera-San Miguel Hurtado and A. Westerhof Löfflerová, acting as Agents)

Party intervening in support of the defendant: European Commission (represented by: A. Bouquet, F. Castillo de la Torre and E. Paasivirta, acting as Agents)

Re:

Action brought under Article 263 TFEU seeking the annulment of, first, Council Decision 2013/785/EU of 16 December 2013 on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (OJ 2013 L 349, p. 1) and, second, Commission Decision (EU) 2018/393 of 12 March 2018 approving, on behalf of the European Union, amendments to the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (OJ 2018 L 69, p. 60).

Operative part of the order

The Court orders:

1. The action is dismissed.