

Judgment of the General Court of 11 April 2019 — Kiku v CPVO — Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie (Pinova)

(Case T-765/17) ⁽¹⁾

(Plant varieties — Nullity proceedings — Apple variety Pinova — Rejection of the application for a declaration of nullity — New variety — Article 10 of Regulation (EC) No 2100/94 — Burden of proof — Article 76 of Regulation No 2100/94 — Examination of the facts by the CPVO of its own motion)

(2019/C 187/78)

Language of the case: German

Parties

Applicant: Kiku GmbH (Girland, Italy) (represented by: G. Würtenberger and R. Kunze, lawyers)

Defendant: Community Plant Variety Office (represented by: M. Ekvad, F. Mattina and O. Lamberti, acting as Agents, assisted by A. von Mühlendahl and H. Hartwig, lawyers)

Other party to the proceedings before the Board of Appeal of the CPVO, intervener before the General Court: Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie (Dresden, Germany) (represented initially by: T. Leidereiter, and subsequently by: B. Lorenzen, lawyers)

Re:

Action brought against the decision of the Board of Appeal of the CPVO of 16 August 2017 (Case A 005/2016) concerning the nullity proceedings between Kiku and the Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie.

Operative part

The Court hereby:

- 1) *Dismisses the action;*
- 2) *Orders Kiku GmbH to pay the costs.*

⁽¹⁾ OJ C 22, 22.1.2018.

Judgment of the General Court of 9 April 2019 — Zitro IP v EUIPO (PICK & WIN MULTISLOT)

(Case T-277/18) ⁽¹⁾

(EU trade mark — Application for EU figurative mark PICK & WIN MULTISLOT — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)

(2019/C 187/79)

Language of the case: Spanish

Parties

Applicant: Zitro IP Sàrl (Luxembourg, Luxembourg) (represented by: A. Canela Giménez, lawyer)