

2. Allergopharma GmbH & Co. KG shall bear its own costs and pay those incurred by the European Commission.
3. Bencard Allergie GmbH shall bear its own costs.

⁽¹⁾ OJ C 328, 5.10.2015.

Order of the General Court of 23 April 2018 — Winkler v Commission

(Case T-916/16) ⁽¹⁾

(Civil service — Officials — Transfer of national pension rights — Proposal concerning additional pensionable years — Measure not open to challenge — Act not having an adverse effect — Manifest inadmissibility)

(2018/C 221/30)

Language of the case: German

Parties

Applicant: Bernd Winkler (Grange, Ireland) (represented by: A. Kässens, lawyer)

Defendant: European Commission (represented by: T. Bohr and L. Radu Bouyon, acting as Agents)

Re:

ACTION based on Article 270 TFEU and seeking, first, annulment of the Commission note of 20 April 2016 on a proposal concerning the additional pensionable years to be taken into consideration in the European Union pension scheme, following a request for transfer of pension rights acquired by the applicant before entering the service of the Union and, secondly, to obtain compensation for the damage allegedly suffered by the applicant as a result of the unlawful acts allegedly committed by the Commission when processing that request for transfer.

Operative part of the order

1. *The action is dismissed.*
2. *Bernd Winkler is ordered to pay the costs.*

⁽¹⁾ OJ C 46, 13.2.2017.

Order of the General Court of 3 May 2018 — Siberian Vodka v EUIPO — Schwarze und Schlichte (DIAMOND ICE)

(Case T-234/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark DIAMOND ICE — Earlier EU word mark DIAMOND CUT — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Action manifestly lacking any foundation in law)

(2018/C 221/31)

Language of the case: German

Parties

Applicant: Siberian Vodka AG (Herisau, Switzerland) (represented by: O. Bischof, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Schwarze und Schlichte Markenvertrieb GmbH & Co. KG (Oelde, Germany) (represented by: A. Zafar, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 February 2017 (Case R 1171/2016-4), relating to opposition proceedings between Schwarze und Schlichte Markenvertrieb and Siberian Vodka.

Operative part of the order

1. *The action is dismissed.*
2. *Siberian Vodka AG shall pay the costs.*

⁽¹⁾ OJ C 195, 19.6.2017.

Order of the General Court of 18 April 2018 — Iordăchescu and Others v Parliament and Others
(Case T-298/17) ⁽¹⁾

(Action for annulment — Directive 2014/40/EU — Approximation of laws — Manufacture, presentation and sale of tobacco products and related products — Period allowed for commencing proceedings — Delay — Claim for damages — Application initiating proceedings — Disregard of the procedural requirements — Inadmissibility — Lack of jurisdiction)

(2018/C 221/32)

Language of the case: Romanian

Parties

Applicants: Adrian Iordăchescu (Bucharest, Romania), Florina Iordăchescu (Bucharest), Mihaela Iordăchescu (Bucharest) and Cristinel Iordăchescu (Bucharest) (represented by: A. Cuculis, lawyer)

Defendants: European Parliament (represented by: L. Visaggio and C. Ionescu Dima, acting as Agents), Council of the European Union (represented by: E. Karlsson and O. Segnana, acting as Agents) and European Commission (represented by: H. Stancu and J. Tomkin, acting as Agents)

Re:

First, application pursuant to Article 263 TFEU seeking the partial annulment 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 (OJ 2014 L 127, p. 1) and, second, application pursuant to Article 268 TFEU for compensation for the harm which the applicants claim to have suffered.

Operative part of the order

1. *The action is dismissed.*