

Judgment of the General Court of 14 February 2019 — Poland v Commission(Case T-366/17) ⁽¹⁾

(ERDF — Refusal to confirm a financial contribution to a major project — Article 41(1) of Regulation (EC) No 1083/2006 — Assessment of whether a major project is consistent with the priorities of the operational programme — Article 41(2) of Regulation (EC) No 1083/2006 — Time limit exceeded)

(2019/C 131/47)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: B. Majczyna, Agent)

Defendant: European Commission (represented by: B.-R. Killmann, A. Kyratsou and M. Siekierzyńska, Agents)

Re:

Action under Article 263 TFEU for annulment of Commission Decision C(2017) 1904 final of 24 March 2017 refusing to confirm to the Republic of Poland a financial contribution from the European Regional Development Fund (ERDF) to the major project 'Starting production of a next-generation diesel engine by Volkswagen Motor Polska' in the context of the Priority Axis IV of operational programme 'Innovative Economy'.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Republic of Poland to pay the costs.*

⁽¹⁾ OJ C 249, 31.7.2017.

Judgment of the General Court of 14 February 2019 — Giove Gas v EUIPO — Primagaz (KALON AL CENTRO DELLA FAMIGLIA)(Case T-34/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark KALON AL CENTRO DELLA FAMIGLIA — Earlier EU word mark CALOON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 131/48)

Language of the case: English

Parties

Applicant: Giove Gas Srl (Tarquinia, Italy) (represented by: A. Bergonzini and F. Dinelli, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Compagnie des gaz de pétrole Primagaz (Paris, France) (represented by: D. Régnier, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 27 November 2017 (Case R 1271/2017-2), relating to opposition proceedings between Compagnie des gaz de pétrole Primagaz and Giove Gas.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Giove Gas Srl to pay the costs.*

⁽¹⁾ OJ C 182, 28.5.2018.

Judgment of the General Court of 14 February 2019 — Torro Entertainment v EUIPO — Grupo Osborne (TORRO Grande MEAT IN STYLE)

(Case T-63/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark TORRO Grande MEAT IN STYLE — Earlier EU word marks TORO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001 — Obligation to state reasons — First sentence of Article 94(1) of Regulation 2017/1001 — Duty of care — Article 95(1) of Regulation 2017/1001)

(2019/C 131/49)

Language of the case: English

Parties

Applicant: Torro Entertainment (Plovdiv, Bulgaria) (represented by: A. Kostov, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Grupo Osborne, SA (El Puerto de Santa María, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 20 December 2017 (Case R 1776/2017-2) relating to opposition proceedings between Grupo Osborne and Torro Entertainment.