

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

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 28 May 2018 (Case R 2650/2017-2), relating to an application for registration of the word sign real nature as an EU trade mark.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 28 May 2018 (Case R 2650/2017-2), in so far as registration as an EU trade mark of the word sign real nature was refused for the services ‘advertising; marketing services; organisational and business advice for franchise concepts; providing of business knowhow (franchising)’, in Class 35 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended;*
2. *Dismisses the action as to the remainder;*
3. *Orders Multifit Tiernahrungs GmbH to bear its own costs and to pay two thirds of those incurred by EUIPO. EUIPO to bear one third of its costs.*

(¹) OJ C 319, 10.9.2018.

Judgment of the General Court of 24 September 2019 — Zhadanov v EUIPO (Scanner Pro)

(Case T-492/18) (¹)

(EU trade mark — Application for the EU word mark Scanner Pro — Absolute ground for refusal — No distinctive character acquired through use — Article 7(3) of Regulation (EU) 2017/1001)

(2019/C 413/60)

Language of the case: English

Parties

Applicant: Igor Zhadanov (Odessa, Ukraine) (represented by: P. Olson, lawyer)

Defendant: European Union Intellectual Property Office (represented by: G. Sakalaitė-Orlovskienė, S. Palmero Cabezas and H. O'Neill, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 6 June 2018 (Case R 1812/2017-2), relating to an application for registration of the word sign Scanner Pro as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Igor Zhadanov to pay the costs.*

⁽¹⁾ OJ C 352, 1.10.2018.

Judgment of the General Court of 24 September 2019 — France v Commission

(Case T-507/18) ⁽¹⁾

(EAGF and EAFRD — Expenditure excluded from financing — Expenses incurred by France under the Programme of Options Specifically Relating to Remoteness and Insularity (POSEI) — Inaccurate accounting for certain consignments of bananas (financial years 2013 — 2016) — Flat-rate financial correction)

(2019/C 413/61)

Language of the case: French

Parties

Applicant: French Republic (represented by: F. Alabrune, D. Colas, S. Horrenberger, A.-L. Desjonquères, A. Alidière and C. Mosser, acting as Agents)

Defendant: European Commission (represented by: A. Lewis and J. Aquilina, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment of Commission Implementing Decision (EU) 2018/873 of 13 June 2018 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2018 L 152, p. 29) in so far as it applies to the French Republic a financial correction of 5 %, amounting to a total sum of EUR 1 945 435,39, as regards the measures entitled ‘Other Direct Aid — POSEI’, on the ground of ‘[i]naccurate accounting for certain consignments of bananas’ for the financial years 2013 — 2016.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 392, 29.10.2018.