

Re:

Application under Article 265 TFEU for a declaration that the Commission unlawfully failed to act in the safeguard clause procedure initiated by the Federal Republic of Germany on 7 January 1998 and adopt a decision in accordance with Council Directive 93/42/EEC of 14 June 1993 concerning medical devices (OJ 1993 L 169, p. 1) in respect of the device Inhaler Broncho Air®.

Operative part of the order

1. The action is dismissed as inadmissible.
2. Mr Christoph Klein shall pay the costs.

(¹) OJ C 337, 7.10.2019.

Order of the General Court of 10 July 2020 — Katjes Fassin v EUIPO — Haribo The Netherlands & Belgium (WONDERLAND)

(Case T-616/19) (¹)

(Action for annulment — EU trade mark — Opposition proceedings — Application for the EU word mark WONDERLAND — Earlier Benelux word mark WONDERMIX — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001 — Action manifestly lacking any foundation in law)

(2020/C 348/20)

Language of the case: German

Parties

Applicant: Katjes Fassin GmbH & Co. KG (Emmerich am Rhein, Germany) (represented by: T. Schmitz and M. Breuer, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Haribo The Netherlands & Belgium BV (Breda, Netherlands) (represented by: A. Tiemann and C. Elkemann, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 July 2019 (Case R 2164/2018-4) relating to opposition proceedings between Haribo The Netherlands & Belgium and Katjes Fassin.

Operative part of the order

1. The action is dismissed as manifestly lacking any foundation in law.
2. Katjes Fassin GmbH & Co. KG shall pay its own costs and those incurred, in connection with the present proceedings, by the European Union Intellectual Property Office (EUIPO) and by Haribo The Netherlands & Belgium BV.

(¹) OJ C 363, 28.10.2019.