

Judgment of the General Court of 30 April 2014 — Hagenmeyer and Hahn v Commission(Case T-17/12) ⁽¹⁾

(Consumer protection — Regulation (EC) No 1924/2006 — Health claims made on foods — Refusal to authorise a reduction of disease risk claim — Designation of a risk factor — Lawfulness of the procedure authorising reduction of disease risk claims — Action for annulment — Legal interest in bringing proceedings — Direct and individual concern — Admissibility — Proportionality — Obligation to state reasons)

(2014/C 194/26)

Language of the case: German

Parties

Applicants: Moritz Hagenmeyer (Hamburg, Germany) and Andreas Hahn (Hanover, Germany) (represented by: T. Teufer, lawyer)

Defendant: European Commission (represented by: L. Pignataro-Nolin and S. Grünheid, acting as Agents)

Intervening party in support of the defendant: Council of the European Union (represented by: I. Šulce, Z. Kupčová and M. Simm, acting as Agents)

Re:

Application for annulment in part of Commission Regulation (EU) No 1170/2011 of 16 November 2011 refusing to authorise certain health claims made on foods and referring to the reduction of disease risk (OJ 2011 L 299, p. 1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Moritz Hagenmeyer and Mr Andreas Hahn to bear their own costs and to pay those incurred by the European Commission;
3. Orders the Council of the European Union to bear its own costs.

⁽¹⁾ OJ C 89, 24.3.2012.

Judgment of the General Court of 30 April 2014 — Beyond Retro v OHIM — S&K Garments (BEYOND VINTAGE)(Case T-170/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — International registration designating the European Community — Word mark BEYOND VINTAGE — Earlier Community word mark BEYOND RETRO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2014/C 194/27)

Language of the case: English

Parties

Applicant: Beyond Retro Ltd (London, United Kingdom) (represented by: S. Malynicz, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: I. Harrington, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: S&K Garments, Inc. (New York, New York, United States)