

Defendant: European Union Intellectual Property Office (represented by: A. Lukošūūtė and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Wit-Software, Consultoria e Software para a Internet Móvel, SA (Lisbon, Portugal) (represented by: F. Teixeira Baptista and C. Tomás Pedro, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 6 March 2014 (Case R 1059/2013-1), relating to opposition proceedings between Wit-Software, Consultoria e Software para a Internet Móvel and Construlink — Tecnologias de Informação.

Operative part

The Court:

1. Dismisses the action.
2. Orders Construlink — Tecnologias de Informação, SA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) for the purposes of the present proceedings and by Wit-Software, Consultoria e Software para a Internet Móvel, SA for the purposes of the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 261, 11.8.2014.

Judgment of the General Court of 17 February 2017 — Mayer v EFSA

(Case T-493/14) ⁽¹⁾

(Seconded national expert — EFSA rules on SNEs — Decision not to extend the secondment — Access to documents — Regulation (EC) No 1049/2001 — Refusal to grant access — Exception relating to the protection of privacy and the integrity of the individual — Protection of personal data — Regulation (EC) No 45/2001 — Applications for a declaration and seeking the issue of directions — Written pleadings supplementing the originating application — Amendments to the heads of claim — Admissibility)

(2017/C 104/57)

Language of the case: German

Parties

Applicant: Ingrid Alice Mayer (Ellwangen, Germany) (represented by: T. Mayer, lawyer)

Defendant: European Food Safety Authority (EFSA) (represented by: D. Detken, acting as Agent, R. Van der Hout and A. Köhler, lawyers)

Re:

Action brought under Article 263 TFEU challenging the decisions of EFSA, first, dismissing the applicant's request to extend her secondment as a national expert at EFSA and, second, refusing her request for access to documents held by EFSA

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible;

2. Orders Ingrid Alice Mayer to pay the costs, including those relating to the proceedings for interim measures;

⁽¹⁾ OJ C 329, 22.9.2014.

**Judgment of the General Court of 16 February 2017 — Holistic Innovation Institute v REA
(Case T-706/14) ⁽¹⁾**

(Research and technological development — Projects funded by the European Union in the field of research — Seventh Framework Programme for research, technological development and demonstration activities (2007-2013) — ZONESEC and Inachus projects — Decision refusing participation of the applicant — Action for annulment and liability)

(2017/C 104/58)

Language of the case: Spanish

Parties

Applicant: Holistic Innovation Institute, SLU (Pozuelo de Alarcón, Spain) (represented initially by R. Muñoz García and subsequently by J. Marín López, lawyers)

Defendant: Research Executive Agency (represented by: S. Payan-Lagrou and V. Canetti, acting as Agents, and by J. Rivas, lawyer)

Re:

First, application based on Article 264 TFEU and seeking annulment of the decision of the REA of 24 July 2014 [ARES (2014) 2461172], terminating negotiations and rejecting the participation of the applicant in the European projects Inachus and ZONESEC and, second, application based on Article 268 TFEU and seeking compensation for the damage allegedly suffered by the applicant as a result of its exclusion from participation in the said projects and from the communication of certain information concerning the applicant following that decision.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Holistic Innovation Institute, SLU to pay the costs in the present proceedings;
3. Each party shall bear its own costs relating to the interim measures.

⁽¹⁾ OJ C 421, 24.11.2014.

**Judgment of the General Court of 17 February 2017 — Novar v EUIPO
(Case T-726/14) ⁽¹⁾**

(Non-contractual liability — Proof of the existence, validity and scope of protection of the earlier mark — International registration designating the European Union — Decision rejecting the opposition in the absence of proof of the earlier right — Rule 19(2)(a) of Regulation (EC) No 2868/95 — Revision of the decision — Article 62(2) of Regulation (EC) No 207/2009 — Damage consisting in lawyers' fees — Causal link)

(2017/C 104/59)

Language of the case: German

Parties

Applicant: Novar GmbH (Albstadt, Germany) (represented by: R. Weede, lawyer)