

Judgment of the General Court of 16 February 2017 — Tubes Radiatori v EUIPO — Antrax It (Radiators)

(Case T-98/15) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing thermosiphons for radiators — Earlier design — Ground for invalidity — No individual character — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002 — Enforcement by EUIPO of a judgment setting aside a decision of one of its Boards of Appeal — Right to be heard — Invitation to lodge evidence and observations following an annulment judgment of the General Court — Saturation of the state of the art)

(2017/C 095/14)

Language of the case: Italian

Parties

Applicant: Tubes Radiatori Srl (Resana, Italy) (represented by: S. Verea, K. Muraro, M. Balestriero and P. Menapace, lawyers)

Defendant: European Union Intellectual Property Office (represented initially by P. Bullock and S. Di Natale, and subsequently by S. Di Natale and L. Rampini, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Antrax It Srl (Resana, Italy) (represented by: L. Gazzola, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 9 December 2014 (Case R 1643/2014-3) relating to invalidity proceedings between Antrax It and Tubes Radiatori.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 December 2014 (Case R 1643/2014-3);
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and to pay those incurred by Tubes Radiatori Srl;
4. Orders Antrax It Srl to bear its own costs.

⁽¹⁾ OJ C 138, 27.4.2015.

Judgment of the General Court of 9 February 2017 — LD v EUIPO

(Case T-271/15 P) ⁽¹⁾

(Appeal — Civil service — Officials — Appraisal report — 2011/2012 appraisal period — Distortion of facts — Error of law — Breach of fiduciary duty — Legitimate expectations)

(2017/C 095/15)

Language of the case: English

Parties

Appellant: LD (represented by: H. Tettenborn, lawyer)