

Judgment of the General Court of 5 April 2017 — France v Commission(Case T-344/15) ⁽¹⁾

(Access to documents — Regulation (EC) No 1049/2001 — Documents sent under the procedure laid down in Directive 98/34/EC — Documents originating from a Member State — Access granted — Exception for the protection of court proceedings — Exception for the protection of the purpose of inspections, investigations or audits — Prior agreement of the Member State)

(2017/C 161/31)

Language of the case: French

Parties

Applicant: French Republic (represented initially by F. Alabrune, G. de Bergues, D. Colas and F. Fize, and subsequently by D. Colas and B. Fodda, and then by D. Colas, B. Fodda and E. de Moustier, acting as Agents)

Defendant: European Commission (represented by: J. Baquero Cruz and F. Clotuche-Duvieusart, acting as Agents)

Intervener in support of the applicant: Czech Republic (represented by: M. Smolek, T. Müller and J. Vlácil, acting as Agents)

Re:

Application based on Article 263 TFEU and seeking the annulment of Commission Decision Ares (2015) 1681819 of 21 April 2015, granting to a citizen access to documents sent by the French Republic in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations (OJ 1998 L 204, p. 37).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the French Republic to pay the costs, including those relating to the action for interim measures;
3. Orders the Czech Republic to bear its own costs.

⁽¹⁾ OJ C 270, 17.8.2015.

Judgment of the General Court of 5 April 2017 — Renfe-Operadora v EUIPO (AVE)(Case T-367/15) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark AVE — Partial invalidity — Appeal brought before the Board of Appeal in a language other than the language of the proceedings — Inadmissibility of the appeal before the Board of Appeal — Application for restitutio in integrum — Duty of due care)

(2017/C 161/32)

Language of the case: Spanish

Parties

Applicant: Renfe-Operadora, Entidad Pública Empresarial (Madrid, Spain) (represented by: J.-B. Devaureix and M. I. Hernández Sandoval, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 24 April 2015 (Case R 712/2014-5), relating to an application for *restitutio in integrum*.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Renfe-Operadora, Entidad Pública Empresarial, to pay the costs.

⁽¹⁾ OJ C 346, 19.10.2015.

Judgment of the General Court of 6 April 2017 — Metabolic Balance Holding v EUIPO (Metabolic Balance)

(Case T-594/15) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark Metabolic Balance — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2017/C 161/33)

Language of the case: German

Parties

Applicant: Metabolic Balance Holding GmbH (Isen, Germany) (represented by: W. Riegger, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 12 August 2015 (Case R 2156/2014-1), concerning an application for registration of the figurative sign Metabolic Balance as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Metabolic Balance Holding GmbH to bear its own costs and to pay those incurred by EUIPO.

⁽¹⁾ OJ C 398, 30.11.2015.