

**Parties to the main proceedings**

*Applicant:* Länsförsäkringar AB

*Defendant:* Matek A/S

**Operative part of the judgment**

Article 9(1)(b) of Council Regulation (EC) No 207/2009 of 26 February 2009 on the [European Union] trade mark, read in conjunction with Articles 15(1) and 51(1)(a) of that regulation, must be interpreted as meaning that, during the period of five years following registration of an EU trade mark, its proprietor may, if there is a likelihood of confusion, prevent third parties from using in the course of trade a sign identical or similar to his mark in respect of all goods and services identical or similar to those for which that mark has been registered without having to demonstrate genuine use of that mark in respect of those goods or services.

<sup>(1)</sup> OJ C 48, 8.2.2016.

---

**Judgment of the Court (Grand Chamber) of 21 December 2016 — Council of the European Union v Front populaire pour la libération de la saguia-el-hamra et du rio de oro (Front Polisario), European Commission**

(Case C-104/16 P) <sup>(1)</sup>

*(Appeal — External relations — Agreement between the European Union and the Kingdom of Morocco concerning liberalisation measures on agricultural and fishery products — Decision approving the conclusion of an international agreement — Action for annulment — Admissibility — Locus standi — Territorial scope of the agreement — Interpretation of the agreement — Principle of self-determination — Principle of the relative effect of treaties)*

(2017/C 053/23)

*Language of the case:* French

**Parties**

*Appellant:* Council of the European Union (represented by: H. Legal, A. de Elera-San Miguel Hurtado and A. Westerhof Löfflerová, acting as Agents)

*Other parties to the proceedings:* Front populaire pour la libération de la saguia-el-hamra et du rio de oro (Front Polisario) (represented by: G. Devers, avocat), European Commission (represented by: F. Castillo de la Torre, E. Paasivirta and B. Eggers, acting as Agents)

*Interveners in support of the applicants:* Kingdom of Belgium (represented by: C. Pochet and J.-C. Halleux, acting as Agents), Federal Republic of Germany (represented by: T. Henze, acting as Agent), Kingdom of Spain (represented by: M. Sampol Pucurull and S. Centeno Huerta, acting as Agents), French Republic (represented by: F. Alabrune, G. de Bergues, D. Colas, F. Fize and B. Fodda, acting as Agents), Portuguese Republic (represented by: L. Inez Fernandes and M. Figueiredo, acting as Agents), Confédération marocaine de l'agriculture et du développement rural (Comader) (represented by: J.-F. Bellis, M. Struys, A. Bailleux, L. Eskenazi and R. Hicheri, avocats)

**Operative part of the judgment**

*The Court:*

1. Sets aside the judgment of the General Court of the European Union of 10 December 2015, *Front Polisario v Council* (T-512/12, EU:T:2015:953);
2. Dismisses the action brought by the *Front populaire pour la libération de la saguia-el-hamra et du rio de oro* (Front Polisario) as inadmissible;

3. Orders the *Front populaire pour la libération de la saguia-el-hamra et du rio de oro* (Front Polisario) to bear its own costs and to pay those incurred by the Council of the European Union;
4. Orders the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Portuguese Republic, the European Commission and the *Confédération marocaine de l'agriculture et du développement rural* (Comader) to bear their own respective costs.

<sup>(1)</sup> OJ C 111, 29.3.2016.

---

**Appeal brought on 20 June 2016 by Europäischer Tier- und Naturschutz e.V. and Horst Giesen against the order of the General Court (Third Chamber) delivered on 14 June 2016 in Case T-595/15, Europäischer Tier- und Naturschutz e.V. and Horst Giesen v European Commission**

(Case C-343/16 P)

(2017/C 053/24)

*Language of the case: German*

**Parties**

*Appellants:* Europäischer Tier- und Naturschutz e.V. and Horst Giesen (represented by: Dr. P. Brockmann, lawyer)

*Other party to the proceedings:* European Commission

By order of 12 January 2017 the Court of Justice of the European Union (Eighth Chamber) dismissed the appeal and ordered the appellant to bear its own costs.

---

**Request for a preliminary ruling from the Tribunal de première instance francophone de Bruxelles (Belgium) lodged on 26 September 2016 — Karim Boudjellal v Rauwers Contrôle SA**

(Case C-508/16)

(2017/C 053/25)

*Language of the case: French*

**Referring court**

Tribunal de première instance francophone de Bruxelles

**Parties to the main proceedings**

*Applicant:* Karim Boudjellal

*Defendant:* Rauwers Contrôle SA

By order of 11 January 2017, the Court (Seventh Chamber) declared that it had no jurisdiction to answer the questions put to it by the Tribunal de première instance francophone de Bruxelles (Belgium).

---

**Request for a preliminary ruling from the Amtsgericht Hamburg (Germany) lodged on 4 November 2016 — Birgit Bossen and Others v Brussels Airlines**

(Case C-559/16)

(2017/C 053/26)

*Language of the case: German*

**Referring court**

Amtsgericht Hamburg