

2. Orders Messrs Giuseppe Morgese, Pasquale Morgese and Felice D'Onofrio to pay the costs.

⁽¹⁾ OJ C 398, 30.11.2015.

Judgment of the General Court of 14 February 2017 — Schönberger v Court of Auditors

(Case T-688/15 P) ⁽¹⁾

(Appeal — Civil service — Officials — Promotion — 2011 promotion procedure — Decision not to promote the applicant to grade AD 13 — Rejection of the action at first instance, after its referral back by the General Court, as in part manifestly inadmissible and in part manifestly unfounded — Prospect of promotion)

(2017/C 095/17)

Language of the case: German

Parties

Appellant: Peter Schönberger (Luxembourg, Luxembourg) (represented by: O. Mader, lawyer)

Other party to the proceedings: European Court of Auditors (represented by: Í. Ní Riagáin Düro and B. Schäfer, Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (First Chamber) of 30 September 2015, *Schönberger v Court of Auditors* (F-14/12 RENV, EU:F:2015:112), and seeking to have that order set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Declares that Mr P. Schönberger is to bear his own costs and orders him to pay the costs incurred by the European Court of Auditors in the present proceedings.

⁽¹⁾ OJ C 59, 15.2.2016.

Judgment of the General Court of 14 February 2017 — Pandalis v EUIPO — LR Health & Beauty Systems (Cystus)

(Case T-15/16) ⁽¹⁾

((EU trade mark — Revocation proceedings — EU word mark Cystus — Partial revocation — Article 51 (1)(a) of Regulation (EC) No 207/2009 — No genuine use of the mark))

(2017/C 095/18)

Language of the case: German

Parties

Applicant: Georgios Pandalis (Glandorf, Germany) (represented by: A. Franke, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: LR Health & Beauty Systems GmbH (Ahlen, Germany) (represented by: N. Weber and L. Thiel, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 30 October 2015 (Case R 2839/2014-1), relating to revocation proceedings between LR Health & Beauty Systems and Mr Pandalis.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Georgios Pandalis to pay the costs.

⁽¹⁾ OJ C 90, 7.3.2016.

**Judgment of the General Court of 15 February 2017 — M. I. Industries v EUIPO — Natural Instinct
(Natural Instinct Dog and Cat food as nature intended)**

(Case T-30/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark Natural Instinct Dog and Cat food as nature intended — Earlier EU word marks INSTINCT and NATURE'S VARIETY — Genuine use of the earlier mark — Nature of the use — Article 42(2) of Regulation No 207/2009 — Rule 22(3) and (4) of Regulation (EC) No 2868/95)

(2017/C 095/19)

Language of the case: English

Parties

Applicant: M. I. Industries, Inc. (Lincoln, Nebraska, United States) (represented by: initially by T. Elias, Barrister, and B. Cookson, Solicitor, and subsequently by M. Montaña Mora, lawyer)

Defendant: European Union Intellectual Property Office (represented by: E. Zaera Cuadrado, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Natural Instinct Ltd (Camberley, United Kingdom) (represented by: C. Spintig, S. Pietzcker, lawyers, and B. Brandreth, Barrister)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 26 November 2015 (Case R 2944/2014-5), relating to opposition proceedings between M. I. Industries and Natural Instinct.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 26 November 2015 (Case R 2944/2014-5) in so far as it concludes that there is no genuine use of the earlier word mark INSTINCT;
2. Dismisses the action as to the remainder;