

GENERAL COURT

Judgment of the General Court of 18 November 2020 — Aquind v ACER

(Case T-735/18) ⁽¹⁾

(Energy — Article 17 of Regulation (EC) No 714/2009 — Decision of ACER refusing a request for exemption relating to new electrical interconnectors — Appeal before the Board of Appeal of ACER — Intensity of the review)

(2021/C 19/47)

Language of the case: English

Parties

Applicant: Aquind Ltd (Wallsend, United Kingdom) (represented by: S. Goldberg and C. Davis, Solicitors, and E. White, lawyer)

Defendant: European Union Agency for the Cooperation of Energy Regulators (ACER) (represented by: P. Martinet, E. Tremmel, C. Gence-Creux and A. Hofstadter, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of (i) Decision A-001-2018 of the Board of Appeal of ACER of 17 October 2018 which upheld Decision No 05/2018 of ACER of 19 June 2018 refusing a request for exemption relating to an electrical interconnector connecting the electricity transmission systems in the United Kingdom and France, and (ii) the decision of ACER thus upheld.

Operative part of the judgment

The Court:

1. Annuls Decision A-001-2018 of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators (ACER) of 17 October 2018;
2. Dismisses the action as to the remainder;
3. Orders ACER to bear its own costs and to pay those incurred by Aquind Ltd.

⁽¹⁾ OJ C 103, 18.3.2019.

Judgment of the General Court of 18 November 2020 — Topcart v EUIPO — Carl International (TC CARL)

(Case T-377/19) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark TC CARL — Earlier national figurative mark CARL TOUCH — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2021/C 19/48)

Language of the case: German

Parties

Applicant: Topcart GmbH (Wiesbaden, Germany) (represented by: M. Hoffmann, lawyer)

Defendant: European Intellectual Property Office (represented by: D. Walicka, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Carl International (Limonest, France) (represented by: B. Müller, lawyer)

Re

Action brought against the decision of the Second Board of Appeal of EUIPO of 2 April 2019 (Case R 1826/2018-2), relating to opposition proceedings between Carl International and Topcart.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Topcart GmbH to pay the costs.

⁽¹⁾ OJ C 270, 12.8.2019.

Judgment of the General Court of 18 November 2020 — Topcart v EUIPO — Carl International (TC CARL)

(Case T-378/19) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark TC CARL — Earlier national figurative mark CARL TOUCH — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2021/C 19/49)

Language of the case: German

Parties

Applicant: Topcart GmbH (Wiesbaden, Germany) (represented by: M. Hoffmann, lawyer)

Defendant: European Intellectual Property Office (represented by: D. Walicka, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Carl International (Limonest, France) (represented by: B. Müller, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 2 April 2019 (Case R 1617/2018-2), relating to opposition proceedings between Carl International and Topcart.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Topcart GmbH to pay the costs.

⁽¹⁾ OJ C 270, 12.8.2019.