

2. Orders that the effects of Decision 2013/661 be maintained as regards Good Luck Shipping until the annulment of Regulation No 1154/2013 takes effect;
3. Orders the Council of the European Union to bear its own costs and to pay the costs incurred by Good Luck Shipping.

⁽¹⁾ OJ C 325, 9.11.2013.

Judgment of the General Court of 25 May 2016 — Commission v McCarron Poultry

(Case T-226/14) ⁽¹⁾

(Arbitration clause — Fifth Framework Programme of the European Community for research, technological development and demonstration activities (1998-2002) — Contract relating to ‘Energy, environment and sustainable development’ — Termination of the contract — Reimbursement of part of the amount advanced — Default interest — Procedure by default)

(2016/C 243/29)

Language of the case: English

Parties

Applicant: European Commission (represented initially by L. Cappelletti and F. Moro, subsequently by F. Moro, acting as Agents, and by R. van der Hout, lawyer)

Defendant: McCarron Poultry Ltd (Killacorn Emyvale, Ireland)

Re:

Action under Article 272 TFEU seeking an order that the defendant reimburse part of the amount advanced by the Commission under contract NNE5/1999/20229, together with default interest.

Operative part of the judgment

The Court:

1. Orders McCarron Poultry Ltd to repay to the Commission the sum of EUR 900 662,25, plus accrued default interest calculated at the rate of 2,50 % per annum from 1 December 2010 until the date of full payment of the debt;
2. Orders McCarron Poultry to pay the costs.

⁽¹⁾ OJ C 212, 7.7.2014.

Judgment of the General Court of 25 May 2016 — Ice Mountain Ibiza v EUIPO — Etyam (ocean beach club ibiza)

(Case T-753/14) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark ocean beach club ibiza — Earlier national figurative and word marks ocean drive Ibiza-hotel and OCEAN THE GROUP — Annulment of the earlier mark on which the contested decision was based — No need to adjudicate)

(2016/C 243/30)

Language of the case: Spanish

Parties

Applicant: Ice Mountain Ibiza, SL (San Antonio, Spain) (represented by: J. L. Gracia Albero, F. Miazetto and E. Cebollero González, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Etyam, SL (Ibiza, Spain)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 31 July 2014 (Case R 2293/2013-1) relating to opposition proceedings between Etyam and Ice Mountain Ibiza

Operative part of the judgment

The Court:

1. Declares that there is no need to adjudicate on the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 26, 26.1.2015.

Judgment of the General Court of 25 May 2016 — Ice Mountain Ibiza v EUIPO — Marbella Atlantic Ocean Club (ocean beach club ibiza)

(Case T-5/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark ocean beach club ibiza — Earlier national figurative marks OC ocean club and OC ocean club Ibiza — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation No 207/2009)

(2016/C 243/31)

Language of the case: Spanish

Parties

Applicant: Ice Mountain Ibiza, SL (San Antonio, Spain) (represented by: J. L. Gracia Albero, F. Miazetto and E. Cebollero González, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Marbella Atlantic Ocean Club, SL (Puerto Banús, Spain)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 8 October 2014 (Case R 2292/2013-1) relating to opposition proceedings between Marbella Atlantic Ocean Club and Ice Mountain Ibiza

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ice Mountain Ibiza, SL to pay the costs.

⁽¹⁾ OJ C 73, 2.3.2015.