

**Judgment of the General Court of 25 October 2013 —  
Commission v Moschonaki**

(Case T-476/11 P) <sup>(1)</sup>

*(Appeal — Civil service — Officials — Notice of vacancy — Rejection of application — Action for annulment — Legal interest in bringing proceedings — Admissibility — Rule that the application corresponds to the complaint — Article 91(2) of the Staff Regulations of Officials — Action for damages)*

(2013/C 359/12)

Language of the case: French

**Parties**

*Appellant:* European Commission (represented by: J. Currall and B. Eggers, Agents)

*Other party to the proceedings:* Chrysanthe Moschonaki (Brussels, Belgium) (represented by: N. Lhoëst, lawyer)

*Intervener in support of the appellant:* Court of Auditors of the European Union (represented by: T. Kennedy and I. Ní Riagáin Düro, Agents)

**Re:**

Appeal against the judgment of the European Union Civil Service Tribunal (First Chamber) of 28 June 2011 in Case F-55/10 AS v Commission (not yet published in the ECR), seeking to have that judgment set aside.

**Operative part of the judgment**

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 28 June 2011 in Case F-55/10 AS v Commission (not yet published in the ECR), in so far as it declares the plea in law alleging infringement of Article 7 of the Staff Regulations of Officials of the European Union to be admissible, in so far as it annuls the decision of 30 September 2009 whereby the European Commission rejected Ms Chrysanthe Moschonaki's application on the basis of that plea in law, and in so far as it ordered the Commission to pay Ms Moschonaki the sum of EUR 3 000;
2. Dismisses the remainder of the appeal;
3. Refers the case back to the Civil Service Tribunal;
4. Reserves the costs.

<sup>(1)</sup> OJ C 319, 29.10.2011.

**Judgment of the General Court of 23 October 2013 —  
Viejo Valle v OHIM Établissements Coquet (Cup and  
saucer with grooves and soup dish with grooves)**

(Joined cases T-566/11 and T-567/11) <sup>(1)</sup>

*(Community design — Invalidity proceedings — Registered Community design representing a cup and saucer with grooves and a soup dish with grooves — Ground for invalidity — Unauthorised use of a work protected under the copyright law of a Member State — Article 25(1)(f) of Regulation (EC) No 6/2002)*

(2013/C 359/13)

Language of the case: Spanish

**Parties**

*Applicant:* Viejo Valle, SA (L'Olleria, Spain) (represented by: I. Temiño Cenicerros, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Établissements Coquet (Saint-Léonard-de-Noblat, France) (represented by: C. Bouchenard, lawyer)

**Re:**

Actions brought against the decisions of the Third Board of Appeal of OHIM of 29 July 2011 (Cases R 1054/2010-3 and R 1055/2010-3), relating to opposition proceedings between Établissements Coquet and Viejo Valle, SA

**Operative part of the judgment**

The Court:

1. Joins Cases T-566/11 and T-567/11 for the purposes of the judgment;
2. Dismisses the actions;
3. Orders Viejo Valle, SA to bear its own costs and those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and of Établissements Coquets.

<sup>(1)</sup> OJ C 32, 4.2.2012.