

GENERAL COURT

Judgment of the General Court of 5 December 2013 — Grebenshikova v OHIM — Volvo Trademark Holding (SOLVO)(Case T-394/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark SOLVO — Earlier Community word mark VOLVO — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 24/30)

Language of the case: English

Parties

Applicant: Elena Grebenshikova (St Petersburg, Russia) (represented by: M. Björkenfeldt, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Volvo Trademark Holding AB (Gothenburg, Sweden) (represented: initially by T. Dolde, V. von Bomhard and A. Renck, lawyers, and subsequently by V. von Bomhard, A. Renck, and I. Fowler, Solicitor)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 9 June 2010 (Case R 861/2010-1), relating to opposition proceedings between Volvo Trademark Holding AB and Ms Elena Grebenshikova.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 9 June 2010 in Case R 861/2010-1;
2. Orders OHIM to pay, in addition to its own costs, two thirds of the costs incurred by Ms Elena Grebenshikova;
3. Orders Volvo Trademark Holding AB to pay, in addition to its own costs, one third of the costs incurred by Ms Grebenshikova.

⁽¹⁾ OJ C 301, 6.11.2010.

Judgment of the General Court of 4 December 2013 — ETF v Schuerings(Case T-107/11) ⁽¹⁾

(Appeal — Civil service — Temporary staff — Contract of indefinite duration — Decision to terminate — Jurisdiction of the Civil Service Tribunal — Articles 2 and 47 CEOS — Duty of care — Concept of interests of the service — Prohibition on ruling ultra petita — Rights of the defence)

(2014/C 24/31)

Language of the case: French

Parties

Appellant: European Training Foundation (ETF) (represented by: L. Levi, lawyer)

Other party to the proceedings: Gisela Schuerings (represented by: N. Lhoëst, lawyer)

Interveners in support of the appellant: European Commission (represented by: J. Currall and D. Martin, acting as Agents); European Medicines Agency (EMA) (represented: initially by V. Salvatore, and subsequently by T. Jabłoński, acting as Agents); European Environment Agency (EEA) (represented by: O. Cornu, acting as Agent); European Aviation Safety Agency (EASA) (represented by: P. Goudou, acting as Agent); European Union Agency for Network and Information Security (ENISA) (represented by: E. Maurage, acting as Agent); Translation Centre for the Bodies of the European Union (CdT) (represented by: J. Rikkert and M. Garnier, acting as Agents); European Centre for Disease Prevention and Control (ECDC) (represented by: M. Heikkilä, acting as Agent); and European Food Safety Authority (EFSA) (represented by: D. Detken, acting as Agent)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 9 December 2010 in Case F-87/08 *Schuerings v ETF*, not yet published in the ECR, and seeking that that judgment be set aside.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal (Second Chamber) of 9 December 2010 in Case F-87/08 *Schuerings v ETF*, in so far as it set aside the decision of the European Training Foundation (ETF) of 23 October 2007 terminating the indefinite contract of Ms Gisela Schuerings and dismissing, as a result, her application for compensation for the material harm suffered as being premature;