

**Judgment of the General Court of 23 September 2020 — Seven v EUIPO (7Seven)**(Case T-557/19) <sup>(1)</sup>

**(EU trade mark — EU figurative mark 7Seven — No request for renewal of the registration of the trade mark — Cancellation of the mark on expiry of the registration — Article 53 of Regulation (EU) 2017/1001 — Application for restitutio in integrum submitted by a licensee — Article 104(1) of Regulation 2017/1001 — Duty of due care)**

(2020/C 390/48)

Language of the case: English

**Parties**

Applicant: Seven SpA (Leinì, Italy) (represented by: L. Trevisan, lawyer)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 4 June 2019 (Case R 2076/2018-5), relating to an application for *restitutio in integrum* of the right to request the renewal of the EU figurative mark 7Seven.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Seven SpA to pay the costs.

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<sup>(1)</sup> OJ C 328, 30.9.2019.

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**Judgment of the General Court of 23 September 2020 — FF v Commission**(Case T-654/19) <sup>(1)</sup>

**(Non-contractual liability — Manufacture, presentation and sale of tobacco products — Directive 2014/40/EU — Use of a photograph in a library of warnings with pictures to be used for tobacco products — Directive 2014/109/EU — Sufficiently serious breach of a rule of law conferring rights on individuals)**

(2020/C 390/49)

Language of the case: French

**Parties**

Applicant: FF (represented by: A. Fittante, lawyer)

Defendant: European Commission (represented by: I. Rubene and D. Martin, acting as Agents)

**Re:**

Application based on Article 268 TFEU seeking compensation in respect of the harm allegedly suffered by the applicant because of the unauthorised use of a photograph that he regards as representing him.

**Operative part of the judgment**

The Court:

1. Dismisses the action;

2. Orders FF to bear his own costs and to pay those incurred by the European Commission in the present action and in the proceedings for interim measures.

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<sup>(1)</sup> OJ C 399, 25.11.2019.

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**Judgment of the General Court of 23 September 2020 — Basaglia v Commission**

(Case T-727/19) <sup>(1)</sup>

*(Access to documents — Regulation (EC) No 1049/2001 — Documents concerning certain projects in the context of the eTEN programme and of the fifth and sixth framework programmes for research and technological development — Restriction of the request for access — Partial refusal to grant access — Exception relating to the protection of privacy and the integrity of the individual — Exception relating to the protection of the commercial interests of a third party — Overriding public interest — Obligation to carry out a specific and individual examination)*

(2020/C 390/50)

*Language of the case: Italian*

**Parties**

*Applicant:* Giorgio Basaglia (Milan, Italy) (represented by: G. Balossi, lawyer)

*Defendant:* European Commission (represented by: C. Ehrbar and A. Spina, acting as Agents)

**Re:**

Application under Article 263 TFEU seeking annulment of Commission Decision C(2019) 6474 final of 4 September 2019 concerning a confirmatory application for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43).

**Operative part of the judgment**

The Court:

1. annuls Commission Decision C(2019) 6474 final of 4 September 2019 concerning a confirmatory application for access to documents pursuant to Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, in so far as it includes a restriction of the request for access and in so far as it includes a refusal to grant access based on the first indent of Article 4(2) of that regulation;
2. dismisses the action as to the remainder;
3. orders Giorgio Basaglia and the European Commission each to bear their own costs.

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<sup>(1)</sup> OJ C 432, 23.12.2019.