

**Judgment of the General Court of 15 December 2010 —
Epcos v OHIM — Epcos Sistemas (EPCOS)**

(Case T-132/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark EPCOS — Earlier national figurative mark epcos SISTEMAS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Genuine use of earlier mark — Article 43(2) and (3) of Regulation No 40/94 (now Article 42(2) and (3) of Regulation No 207/2009)

(2011/C 38/18)

Language of the case: German

Parties

Applicant: Epcos AG (Munich, Germany) (represented by: L. von Zumbusch and S. Schweyer, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Schäffner, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Epcos Sistemas SL (Constanti, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 19 January 2009 (Case R 1088/2008-2) relating to opposition proceedings between Epcos Sistemas SL and Epcos AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Epcos AG to pay the costs.

⁽¹⁾ OJ C 129, 6.6.2009.

**Judgment of the General Court of 16 December 2010 —
Commission v Petrilli**

(Case T-143/09 P) ⁽¹⁾

(Appeal — Staff cases — Auxiliary contract staff — Fixed-term contract — Rules on the maximum duration for employing non-permanent staff in the Commission services — Decision to refuse renewal of the contract)

(2011/C 38/19)

Language of the case: French

Parties

Appellant: European Commission (represented by: D. Martin and B. Eggers, Agents)

Other party to the proceedings: Nicole Petrilli (Woluwé-Saint-Étienne, Belgium) (represented: initially by J.-L. Lodomez and J. Lodomez, and subsequently by D. Dejehet and A. Depondt, lawyers)

Re:

Appeal brought against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 29 January 2009 in Case F-98/07 *Petrilli v Commission* ECR-SC I-A-1-0000 and II-A-1-0000, seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders the European Commission to bear its own costs and to pay those incurred by Mrs Nicole Petrilli in these proceedings.

⁽¹⁾ OJ C 153 of 4.7.2009.

**Judgment of the General Court of 16 December 2010 —
Council v Stols**

(Case T-175/09 P) ⁽¹⁾

(Appeal — Public service — Promotion — Comparative examination of the merits — Manifest error of assessment — Distortion of the evidence)

(2011/C 38/20)

Language of the case: French

Parties

Appellant: Council of the European Union (represented by: M. Bauer and G. Kimberley, Agents)