

## GENERAL COURT

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

*(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.

<sup>(1)</sup> OJ C 301, 6.11.2010.

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

*(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;

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 139, 7.5.2011.

#### Judgment of the General Court of 4 December 2013 — ETF v Michel

(Case T-108/11 P) <sup>(1)</sup>

*(Appeal — Civil service — Temporary staff — Contract for an indefinite period — Decision terminating the contract — Jurisdiction of the Civil Service Tribunal — Articles 2 and 47 of the CEOS — Duty of care — Concept of interest of the service — Prohibition on ruling ultra petita — Rights of the defence)*

(2014/C 24/32)

Language of the case: French

#### Parties

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

*Other party to the proceedings:* Gustave Michel, successor in law to Monique Vandeuken (represented by: N. Lhoëst, lawyer)

*Interveners in support of the appellant:* European Commission (represented by: J. Currall and D. Martin, acting as Agents); Translation Centre for the Bodies of the European Union (CdT) (represented by: J. Rikkert and M. Garnier, acting as Agents); European Chemical Agency (ECHA) (represented by: M. Heikkilä, acting as Agent); 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); and European Food Safety Agency (EFSA) (represented by: D. Detken, acting as Agent)

#### Re:

Appeal brought against the judgment delivered by the Civil Service Tribunal (Second Chamber) on 9 December 2010 in Case F-88/08 *Vandeuken v ETF*, not yet published, seeking the setting aside of that judgment.

#### Operative part of the judgment

*The Court:*

1. Sets aside the judgment of the Civil Service Tribunal (Second Chamber) of 9 December 2010 in Case F-88/08 *Vandeuken v ETF* in so far as it annulled the decision of the European Training Foundation (ETF) of 23 October 2007 to terminate the contract for an indefinite period as a member of the temporary staff of Ms Monique Vandeuken and dismissed, in consequence, her claim for compensation for the pecuniary harm suffered as premature;
2. Dismisses the remainder of the appeal;
3. Refers the action back to the Civil Service Tribunal;
4. Reserves the costs.

<sup>(1)</sup> OJ C 139, 7.5.2011.

#### Judgment of the General Court of 3 December 2013 — JAS v Commission

(Case T-573/11) <sup>(1)</sup>

*(Customs union — Imports of denim jeans — Fraud — Recovery a posteriori of the import duties — Article 13 of Regulation (EEC) No 1430/79 — Article 239 of the Customs Code — Application for remission of import duties — Particular case — Equity clause — Commission Decision)*

(2014/C 24/33)

Language of the case: French

#### Parties

*Applicant:* JAS Jet Air Service France (JAS) (Mesnil-Amelot, France) (represented by: T. Gallois and E. Dereviankine, lawyers)

*Defendant:* European Commission (represented by: B.-R. Killmann, L. Keppenpe and C. Soulay, acting as Agents)

#### Re:

Application for annulment of the Commission Decision of 5 August 2011 finding that the remission of import duties is not justified in a particular case (Case REM 01/2008).

#### Operative part of the judgment

*The Court:*

1. Dismisses the action;