

2. Dismisses the remainder of the appeal;
3. Refers the case back to the Civil Service Tribunal;
4. Reserves the costs.

(¹) OJ C 139, 7.5.2011.

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

(Case T-108/11 P) (¹)

(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 Vandeuuren (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 *Vandeuuren 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 *Vandeuuren 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 Vandeuuren 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.

(¹) OJ C 139, 7.5.2011.

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

(Case T-573/11) (¹)

(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. Keppenne 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;

2. *Orders Jet Air Services France (JAS) to bear its own costs and to pay those incurred by the European Commission.*

(¹) OJ C 25, 28.1.2012.

Judgment of the General Court of 5 December 2013 — Olive Line International v OHIM — Carapelli Firenze (Maestro de Oliva)

(Case T-4/12) (¹)

(Community trade mark — Opposition procedure — International registration designating the European Community — Figurative mark Maestro de Oliva — Earlier national word mark MAESTRO — Genuine use of the earlier mark — Likelihood of confusion — Articles 8(1)(b) and 15(1)(a) of Regulation (EC) No 207/2009)

(2014/C 24/34)

Language of the case: Spanish

Parties

Applicant: Olive Line International, SL (Madrid, Spain) (represented by: M. Aznar Alonso, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Carapelli Firenze SpA (Tavarnelle Val di Pesa, Italy)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 21 September 2011 (Case R 1612/2010-2), concerning an opposition procedure between Carapelli Firenze SpA and Olive Line International, SL.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Olive Line International, SL to pay the costs.*

(¹) OJ C 89, 24.3.2012.

Judgment of the General Court of 6 December 2013 — Premiere Polish v OHIM — Donau Kanol (ECOFORCE)

(Case T-361/12) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark ECOFORCE — Earlier Community figurative mark ECO FORTE — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 24/35)

Language of the case: English

Parties

Applicant: Premiere Polish Co. Ltd (Cheltenham, United Kingdom) (represented by: C. Jones and M. Carter, Solicitors)

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

Other party to the proceedings before the Board of Appeal of OHIM: Donau Kanol GmbH & Co. KG (Ried im Traunkreis, Austria)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 June 2012 (Case R 851/2011-4), relating to opposition proceedings between Donau Kanol GmbH & Co. KG and Premiere Polish Co. Ltd.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Premiere Polish Co. Ltd to pay the costs.*

(¹) OJ C 319, 20.10.2012.

Judgment of the General Court of 6 December 2013 — Banco Bilbao Vizcaya Argentaria v OHIM (VALORES DE FUTURO)

(Case T-428/12) (¹)

(Community trade mark — Application for community word mark VALORES DE FUTURO — Absolute ground for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2014/C 24/36)

Language of the case: Spanish

Parties

Applicant: Banco Bilbao Vizcaya Argentaria, SA (Bilbao, Spain) (represented by: J. de Oliveira Vaz Miranda Sousa and N. González-Alberto Rodríguez, lawyers)