

Judgment of the General Court of 1 March 2017 — Silvan v Commission(Case T-698/15) ⁽¹⁾***(Appeal — Civil service — Officials — 2013 promotion exercise — Decision not to promote the appellant — Comparison of the merits — Taking into account of staff reports — No error of law)***

(2017/C 121/38)

*Language of the case: French***Parties***Appellant:* Juha Tapio Silvan (Brussels, Belgium) (represented by: N. de Montigny and J.-N. Louis, lawyers)*Other party to the proceedings:* European Commission (represented by: G. Berscheid and C. Berardis-Kayser, acting as Agents)**Re:**Appeal brought against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 22 September 2015, *Silvan v Commission* (F-83/14, EU:F:2015:106), and asking for annulment of that judgment.**Operative part of the judgment***The Court:*

- 1) *Dismisses the appeal;*
- 2) *Orders Mr Juha Tapio Silvan to bear his own costs as well as those incurred by the European Commission in the context of the present proceedings.*

⁽¹⁾ OJ C 59, 15.2.2016.**Judgment of the General Court of 2 March 2017 — DI v EASO**(Case T-730/15) ⁽¹⁾***(Appeal — Civil service — EASO staff — Member of the contract staff — Fixed-term contract — Probationary period — Dismissal decision — Action for annulment and for damages — Dismissal of the action as manifestly inadmissible at first instance — Rule of correspondence between the application and the complaint — Article 91(2) of the Staff Regulations)***

(2017/C 121/39)

*Language of the case: English***Parties***Appellant:* DI (represented by: I. Vlaic and G. Iliescu, lawyers)*Other party to the proceedings:* European Asylum Support Office (EASO) (represented by: W. Stevens, acting as Agent, and by D. Waelbroeck and A. Duron, lawyers)**Re:**Appeal against the order of the European Union Civil Service Tribunal (Second Chamber) of 15 October 2015, *DI v EASO* (F-113/13, EU:F:2015:120), seeking to have that order set aside.**Operative part of the judgment***The Court:*

1. *Sets aside the order of the Civil Service Tribunal of the European Union (Second Chamber) of 15 October 2015, DI v EASO (F-113/13);*

2. Refers the case to a chamber of the General Court other than that which ruled on the present appeal;
3. Reserves the costs.

⁽¹⁾ OJ C 98, 14.3.2016.

**Judgment of the General Court of 28 February 2017 — Labeyrie v EUIPO — Delpeyrat
(Representation of a sowing of golden fish on a blue background)**

(Case T-766/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark representing a sowing of golden fish on a blue background — Declaration of revocation — Genuine use of the mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form that differs in elements does not alter the distinctive character)

(2017/C 121/40)

Language of the case: French

Parties

Applicant: Labeyrie (Saint-Geours-de-Maremne, France) (represented by: A. Lecomte, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Delpeyrat (Saint-Pierre-du-Mont, France) (represented by: J. Ennochi, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 15 October 2015 (Case R 2693/2014-1), relating to revocation proceedings between Depeyrat and Labeyrie.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Labeyrie to bear its own costs as well as those incurred by EUIPO;
3. Orders Delpeyrat to bear its own costs.

⁽¹⁾ OJ C 78, 29.2.2016.

**Judgment of the General Court of 28 February 2017 — Labeyrie v EUIPO — Delpeyrat
(Representation of a sowing of light coloured fish on a dark background)**

(Case T-767/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark representing a sowing of light coloured fish on a dark background — Declaration of revocation — Genuine use of the mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form that differs in elements does not alter the distinctive character)

(2017/C 121/41)

Language of the case: French

Parties

Applicant: Labeyrie (Saint-Geours-de-Maremne, France) (represented by: A. Lecomte, lawyer)