

Judgment of the General Court of 31 January 2018 – Gyarmathy v FRA(Case T-196/15 P) ⁽¹⁾**(Appeal — Civil service — Members of the temporary staff — Recruitment — Notice of vacancy — Rejection of an application — Selection procedure — Distortion of the clear sense of the evidence — Duty to provide reasons — Rule of correspondence between the application and the complaint — Impartiality of the Civil Service Tribunal)**

(2018/C 094/20)

Language of the case: English

Parties*Appellant:* Valéria Anna Gyarmathy (Győr, Hungary) (represented by: A. Cech, lawyer)*Other party to the proceedings:* European Union Agency for Fundamental Rights (FRA) (represented by: C. Manolopoulos, acting as Agent, assisted by B. Wägenbaur, lawyer)**Re:**Appeal brought against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 5 March 2015, *Gyarmathy v FRA* (F 97/13, EU:F:2015:7), seeking to have that judgment set aside.**Operative part of the judgment***The Court:*

1. *Dismisses the appeal.*
2. *Orders Ms Valéria Anna Gyarmathy to pay the costs.*

⁽¹⁾ OJ C 86, 20.3.2017.**Judgment of the General Court of 31 January 2018 — Novartis AG v EUIPO — SK Chemicals
(Figurative EU trade mark representing a transdermal patch)**(Case T-44/16) ⁽¹⁾**(EU trade mark — Invalidity proceedings — Figurative EU trade mark representing a transdermal patch — Absolute ground for refusal — Sign consisting exclusively of the shape of the product necessary to obtain a technical result — Article 7(1)(e)(ii) of Regulation (EC) No 207/2009 (now Article 7(1)(e)(ii) of Regulation (EU) 2017/1001))**

(2018/C 094/21)

Language of the case: English

Parties*Applicant:* Novartis AG (Basle, Switzerland) (represented: initially by M.R. Douglas, and subsequently by A. Nordemann-Schiffel, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: H. Kunz, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court:* SK Chemicals GmbH (Eschborn, Germany) (represented by: R. Dissmann, J. Bogatz, and C. Lindenthal, lawyers)**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 27 November 2015 (Case R 2342/2014-5), relating to invalidity proceedings between SK Chemicals and Novartis.

Operative part of the order

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

⁽¹⁾ OJ C 111, 29.3.2016.

Judgment of the General Court of 25 January 2018 — Italy v Commission

(Case T-91/16) ⁽¹⁾

(ESF — Operational programme for objective No 1 for the Region of Sicily — Reduction of the financial assistance initially granted — Calculation by extrapolation — Proportionality — Article 39(2) and (3) of Regulation (EC) No 1260/1999 — Obligation to state reasons)

(2018/C 094/22)

Language of the case: Italian

Parties

Applicant: Italian Republic (represented by: G. Palmieri, acting as Agent, and P. Gentili, avvocato dello Stato)

Defendant: European Commission (represented by: P. Arenas and F. Tomat, acting as Agents)

Re:

Application on the basis of Article 263 TFEU seeking the annulment of Commission Decision C(2015) 9413 of 17 December 2015 concerning the reduction of the European Social Fund (ESF) [contribution] for the operational programme for the Region of Sicily, which forms part of the Community support framework for structural interventions in the Italian regions covered by objective No 1 (CCI 1999IT 161PO011).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Italian Republic to pay the costs.*

⁽¹⁾ OJ C 136, 18.4.2016.

**Judgment of the General Court of 30 January 2018 — Arctic Cat v EUIPO — Slazengers
(Representation of a member of the cat family jumping to the right)**

(Case T-113/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark representing a member of the cat family jumping to the right — Earlier EU figurative mark representing a member of the cat family jumping to the left — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 094/23)

Language of the case: English

Parties

Applicant: Arctic Cat Inc. (Thief River Falls, Minnesota, United States) (represented by: M. Hartmann and S. Fröhlich, lawyers)