

Judgment of the General Court of 14 December 2017 — bet365 Group Ltd v EUIPO — Hansen (BET 365)

(Case T-304/16) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark BET 365 — Absolute ground for refusal — Distinctive character acquired through use — Proof — Use of the mark for a number of purposes — Article 7(3) and Article 52(2) of Regulation No 207/2009 (now Article 7(3) and Article 59(2) of Regulation (EU) 2017/1001))

(2018/C 052/36)

Language of the case: English

Parties

Applicant: bet365 Group Ltd (Stoke-on-Trent, United Kingdom) (represented by S. Malynicz QC, and by R. Black and J. Bickle, Solicitors)

Defendant: European Union Intellectual Property Office (represented by S. Hanne, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Robert Hansen (Munich, Germany) (represented by M. Pütz-Poulalion, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 21 March 2016 (Case R 3243/2014-5) relating to invalidity proceedings between Mr Hansen and bet365 Group.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 21 March 2016 (Case R 3243/2014-5) in so far as it concerns the services in Class 41 listed in the registration of the EU trade mark BET 365;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 14 December 2017 — PB v Commission

(Case T-609/16) ⁽¹⁾

(Civil service — Officials — Recruitment — Competition notice EPSO/AD/309/15 (AD 11) — Doctors for the Luxembourg site — Refusal of admission to the tests at the assessment centre — Limitation of the choice of second language to a restricted number of official languages of the European Union — Objection of illegality — Manifest error of assessment — Liability — Non-pecuniary harm)

(2018/C 052/37)

Language of the case: French

Parties

Applicant: PB (represented by: M. Velardo, lawyer)

Defendant: European Commission (represented by: G. Gattinara and L. Radu Bouyon, acting as Agents)