

**Judgment of the General Court of 23 October 2017 — Galletas Gullón v EUIPO — O2 Holdings
(Shape of a packet of biscuits)**

(Case T-418/16) ⁽¹⁾

(EU trade mark — Revocation proceedings — Three-dimensional EU trade mark — Shape of a packet of biscuits — Declaration of revocation — Extent of use — No alteration of distinctive character)

(2017/C 412/38)

Language of the case: English

Parties

Applicant: Galletas Gullón, SA (Aguilar de Campoo, Spain) (represented by: I. Escudero Pérez, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: O2 Holdings Ltd (Slough, United Kingdom) (represented by: J. Rebling, Solicitor)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 May 2016 (Case R 1614/2015-4), relating to revocation proceedings between O2 Holdings Ltd and Galletas Gullón.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 May 2016 (Case R 1614/2015-4), relating to revocation proceedings between O2 Holdings Ltd and Galletas Gullón;
2. Orders EUIPO and O2 Holdings Ltd to pay the costs.

⁽¹⁾ OJ C 343, 19.9.2016.

**Judgment of the General Court of 23 October 2017 — Tetra Pharm (1997) v EUIPO — Sebapharma
(SeboCalm)**

(Case T-441/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark SeboCalm — Earlier EU word mark — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2017/C 412/39)

Language of the case: English

Parties

Applicant: Tetra Pharm (1997) Ltd (Tel Aviv, Israel) (represented by: A. Gorzkiewicz, lawyer)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill and D. Stoyanova-Valchanova, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Sebapharma GmbH & Co. KG (Boppard, Germany) (represented by: J. Wald and D. Koal, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO dated 19 May 2016 (Case R 852/2015-1), relating to opposition proceedings between Sebapharma and Tetra Pharm (1997).

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Tetra Pharm (1997) Ltd to pay the costs.

⁽¹⁾ OJ C 364, 3.10.2016.

Judgment of the General Court of 19 October 2017 — Bernaldo de Quirós v Commission

(Case T-649/16) ⁽¹⁾

(Civil service — Officials — Assignment — Transfer from a head of unit post to an advisor post — Interests of the service — Misuse of powers — Right to be heard and duty of care — Principle of equivalence of posts)

(2017/C 412/40)

Language of the case: French

Parties

Applicant: Belén Bernaldo de Quirós (Brussels, Belgium) (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: European Commission (represented by: G. Berscheid, C. Berardis-Kayser and C. Ehrbar, acting as Agents)

Re:

Application based on Article 270 TFEU seeking annulment of the Commission decision of 30 November 2015 changing the applicant's assignment, from 1 December 2015, from the post of Head of the Traineeships Office Unit of the Youth and Sport Directorate within the Education and Culture Directorate General (DG) to the post of Advisor at the Modernisation of Education II: Education policy and programme, Innovation, EIT and MSCA Directorate within that same DG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ms Belén Bernaldo de Quirós to pay the costs.

⁽¹⁾ OJ C 402, 31.10.2016.