

**Judgment of the General Court of 13 December 2018 — C=Holdings v EUIPO — Trademarkers
(C=commodore)**

(Case T-672/16) ⁽¹⁾

(EU trade mark — Revocation proceedings — International registration designating the European Union — Figurative mark C=commodore — Application for invalidation of the effects of the international registration — Article 158(2) of Regulation (EC) No 207/2009 (now Article 198(2) of Regulation (EU) 2017/1001) — Article 51(1)(a) of Regulation No 207/2009 (now Article 58(1)(a) of Regulation 2017/1001) — No genuine use concerning certain goods and services covered by the international registration — Presence of proper reasons for non-use)

(2019/C 82/53)

Language of the case: English

Parties

Applicant: C=Holdings BV (Oldenzaal, Netherlands) (represented by: initially P. Maeyaert and K. Neefs and then P. Maeyaert and J. Muyldermans, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Trademarkers NV (Antwerp, Belgium)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 13 July 2016 (Case R 2585/2015-4), relating to revocation proceedings between Trademarkers and C=Holdings.

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 13 July 2016 (Case R 2585/2015-4), relating to revocation proceedings between Trademarkers NV and C=Holdings BV, in so far as the Board of Appeal dismissed the appeal of C=Holdings as regards the existence of proper reasons for non-use of the international registration of which it is the proprietor;
2. Orders EUIPO to pay the costs.

⁽¹⁾ OJ C 410, 7.11.2016.

Judgment of the General Court of 13 December 2018 — Pipiliagkas v Commission

(Case T-689/16) ⁽¹⁾

(Civil service — Officials — Assignment — Decision with retroactive effect — Article 22a of the Staff Regulations — Authority lacking competence — Liability — Compensation in respect of material and non-material harm)

(2019/C 82/54)

Language of the case: French

Parties

Applicant: Nikolaos Pipiliagkas (Brussels, Belgium) (represented initially by J.-N. Louis and N. de Montigny and subsequently by J.-N. Louis, lawyers)

Defendant: European Commission (represented initially by C. Berardis-Kayser and G. Gattinara and subsequently by G. Gattinara and L. Radu Bouyon, acting as Agents)

Re:

Action on the basis of Article 270 TFEU seeking, first, annulment of the decision of 22 December 2015 of the Head of Unit 'Career and performance management' of the Commission's Directorate-General for Human Resources and Security, concerning the reassignment of the applicant with retroactive effect, and, secondly, compensation for the material and non-material harm which he claims to have suffered.

Operative part of the judgment

The Court:

1. Annuls the decision of 22 December 2015 of the Head of Unit 'Career and performance management' of the Commission's Directorate-General for Human Resources and Security, concerning the reassignment of Mr Nikolaos Pipiliagkas with effect from 1 January 2013;
2. Dismisses the action as to the remainder;
3. Orders the Commission to bear its own costs and half of the costs of Mr Pipiliagkas;
4. Orders Mr Pipiliagkas to bear half of his own costs.

(¹) OJ C 441, 28.11.2016.

Judgment of the General Court of 13 December 2018 — CX v Commission

(Case T-743/16 RENV) (¹)

(Civil service — Officials — Disciplinary measure — Removal from post — Rights of the defence — Duty to have regard for the welfare of officials — Article 22(1) of Annex IX to the Staff Regulations — Articles 41 and 52 of the Charter of Fundamental Rights — Liability — Actual damage — Causal link)

(2019/C 82/55)

Language of the case: French

Parties

Applicant: CX (represented by É. Boigelot, lawyer.)

Defendant: European Commission (represented by F. Simonetti and C. Ehrbar, acting as Agents)

Re:

Action pursuant to Article 270 TFEU seeking, first, annulment of the Decision of 16 October 2013 in which the Commission found that the applicant was guilty of two instances of serious misconduct and, consequently, removed him from his post without reduction *pro tempore* to his entitlement to a retirement pension and, second, compensation for the harm allegedly suffered by the applicant on account of that decision.

Operative part of the judgment

The Court:

1. Annuls the decision of 16 October 2013 by which the Commission removed CX from his post without reduction *pro tempore* to his entitlement to a retirement pension;