

Judgment of the General Court of 8 March 2018 — Cinkciarz.pl v EUIPO (€\$)(Case T-665/16) ⁽¹⁾

(EU trade mark — Application for EU figurative mark €\$ — Absolute grounds for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001) — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 65 of Regulation No 207/2009 (now Article 72 of Regulation 2017/1001))

(2018/C 142/60)

Language of the case: Polish

Parties

Applicant: Cinkciarz.pl sp. z o.o. (Zielona Góra, Poland) (represented by: E Skrzydło-Tefelska and K. Gajek, lawyers)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 14 July 2016 (Case R 2086/2015-5), concerning an application for registration of the sign €\$ as an EU trade mark.

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 14 July 2016 (Case R 2086/2015-5);
2. Orders EUIPO to pay the costs.

⁽¹⁾ OJ C 402, 31.10.2016.

Judgment of the General Court of 28 February 2018 — Paulini v ECB(Case T-764/16) ⁽¹⁾

(Civil service — ECB staff — Remuneration — Annual salary and bonus review — Lawfulness of the guidelines — Calculation method — Taking into account of sickness leave — Taking into account of activities of a staff representative — Principle of non-discrimination)

(2018/C 142/61)

Language of the case: English

Parties

Applicant: Jörn Paulini (Frankfurt am Main, Germany) (represented initially by: L. Levi and M. Vandenbussche, subsequently by: L. Levi and A. Tymen and finally by: L. Levi, lawyers)

Defendant: European Central Bank (ECB) (represented by: F. von Lindeiner and D. Camilleri Podestà, acting as Agents, and B. Wägenbaur, lawyer)

Re:

Action on the basis of Article 270 TFEU seeking, firstly, the annulment of the decision of the ECB, sent to the applicant on 15 December 2015 and amended on 10 February 2016, concerning the 2015 annual salary and bonus review and, secondly, compensation for the loss which the applicant allegedly suffered as a result of that decision.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Mr Jörn Paulini to bear his own costs and pay the costs incurred by the European Central Bank.*

⁽¹⁾ OJ C 14, 16.1.2017.

Judgment of the General Court of 28 February 2018 — dm-drogerie markt v EUIPO Digital Print Group O. Schimek (Foto Paradies)

(Case T-843/16) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark Foto Paradies — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001))

(2018/C 142/62)

Language of the case: German

Parties

Applicant: dm-drogerie markt GmbH & Co. KG (Karlsruhe, Germany) (represented by: T. Strack and O. Bludovsky, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer, R. Manea and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Digital Print Group O. Schimek GmbH (Nuremberg, Germany) (represented by: L. Petri and M. Gilch, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 15 September 2016 (R 1194/2015-1), relating to invalidity proceedings between Digital Print Group O. Schimek and dm-drogerie markt.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders dm-drogerie markt GmbH & Co. KG to pay the costs.*

⁽¹⁾ OJ C 38, 6.2.2017.