

**Judgment of the General Court of 31 May 2018 — Korwin-Mikke v Parliament**(Case T-770/16) <sup>(1)</sup>

*(Law governing the institutions — European Parliament — Rules of Procedure of the Parliament — Conduct adversely affecting the dignity of the Parliament and the smooth running of parliamentary business — Disciplinary sanctions of forfeiture of entitlement to the subsistence allowance and temporary suspension from participation in all activities of the Parliament — Freedom of expression — Obligation to state reasons — Error of law)*

(2018/C 249/30)

Language of the case: French

**Parties**

*Applicant:* Janusz Korwin-Mikke (Józefów, Poland) (represented by: M. Cherchi and A. Daoût, lawyers)

*Defendant:* European Parliament (represented by: S. Alonso de León and S. Seyr, acting as Agents)

**Re:**

First, action brought under Article 263 TFEU and seeking annulment of the decision of the President of the Parliament of 5 July 2016 and of the decision of the Bureau of the Parliament of 1 August 2016 imposing on the applicant the penalty of forfeiture of entitlement to the subsistence allowance for a period of ten days and temporary suspension from participation in all activities of the Parliament for a period of five consecutive days and, second, action brought under Article 268 TFEU and seeking damages for the harm allegedly suffered by the applicant as a result of those decisions.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Bureau of the European Parliament of 1 August 2016;
2. Dismisses the claim for damages;
3. Orders Mr Janusz Korwin-Mikke and the Parliament each to bear their own respective costs.

<sup>(1)</sup> OJ C 6, 9.1.2017.

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**Judgment of the General Court of 6 June 2018 — Glaxo Group v EUIPO — Celon Pharma (SALMEX)**(Case T-803/16) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU figurative mark SALMEX — Earlier three-dimensional national mark — Competence of the Board of Appeal to examine of its own motion whether the earlier mark had been put to genuine use — Article 64(1) and Article 76(1) of Regulation (EC) No 207/2009 (now Article 71(1) and Article 95(1) of Regulation (EU) 2017/1001))*

(2018/C 249/31)

Language of the case: English

**Parties**

*Applicant:* Glaxo Group Ltd (Brentford, United Kingdom) (represented by: S. Baran, T. St Quintin, S. Wickenden, Barristers, E. Morris and R. Jacob, Solicitors)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Celon Pharma S. A. (Łomianki, Poland) (represented by: M. Krasieński, lawyer)*

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 31 August 2016 (Case R 2108/2015-4) relating to invalidity proceedings between Glaxo Group Ltd and Celon Pharma.

**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 31 August 2016 (Case R 2108/2015-4);*
2. *Orders EUIPO to bear its own costs and those incurred by Glaxo Group Ltd during the proceedings before the General Court;*
3. *Orders Celon Pharma S.A. to bear its own costs relating to the proceedings before the General Court.*

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<sup>(1)</sup> OJ C 22, 23.1.2017.

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**Judgment of the General Court of 1 June 2018 — Casual Dreams v EUIPO — López Fernández (Dayaday)**

**(Case T-900/16) <sup>(1)</sup>**

**(European Union trade mark — Opposition proceedings — Application for EU figurative mark Dayaday — Earlier national figurative marks DAYADAY and dayaday — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001) — Reputation — Advantage unfairly taken of the distinctive character or the repute of the earlier trade mark)**

(2018/C 249/32)

*Language of the case: Spanish*

**Parties**

*Applicant:* Casual Dreams, SLU (Manresa, Spain) (represented by: A. Tarí Lázaro, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: initially by S. Palmero Cabezas, and subsequently by J. Crespo Carillo, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Miguel Ángel López Fernández (Fuensalida, Spain)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 6 October 2016 (Case R 375/2016-2), relating to opposition proceedings between Casual Dreams and Mr López Fernández.

**Operative part of the judgment**

*The Court:*

1. *Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 6 October 2016 (Case R 375/2016-2);*