

Judgment of the General Court of 13 April 2018 –Alba Aguilera and Others v EEAS(Case T-119/17) ⁽¹⁾

(Civil service — Officials — Members of the temporary staff — Members of the contract staff — Remuneration — EEAS staff posted to a third country — Article 10 of Annex X to the Staff Regulations — Annual assessment of the allowance for living conditions — Decision reducing the allowance for living conditions in Ethiopia from 30 % to 25 % — Failure to adopt general implementing provisions giving effect to Article 10 of Annex X to the Staff Regulations — Liability — Non-material damage)

(2018/C 190/47)

Language of the case: French

Parties

Applicants: Ruben Alba Aguilera (Addis Ababa, Ethiopia) and the other EEAS officials and agents whose names are listed in the annex (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European External Action Service (represented by: S. Marquardt and R. Spac, acting as Agents, and by M. Troncoso Ferrer, F.-M. Hilaire and S. Moya Izquierdo, lawyers)

Re:

Application pursuant to Article 270 TFEU seeking (i) the annulment of the EEAS decision of 19 April 2016 reducing, as of 1 January 2016, the allowance for living conditions paid to European Union staff posted to Ethiopia; and (ii), compensation in respect of the non-material damage allegedly suffered by the applicants.

Operative part of the judgment

The Court:

1. Annuls the decision of the European External Action Service (EEAS) of 19 April 2016 reducing, as of 1 January 2016, the allowance for living conditions paid to European Union staff posted to Ethiopia from 30 % to 25 % of the reference amount;
2. Dismisses the action as to the remainder;
3. Orders the EEAS to pay the costs.

⁽¹⁾ OJ C 129, 24.4.2017.

Judgment of the General Court of 17 April 2018 — Bielawski v EUIPO (HOUSE OF CARS)(Case T-364/17) ⁽¹⁾

(EU trade mark — Application for EU word mark HOUSE OF CARS — 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) — Legitimate expectations — Legal certainty)

(2018/C 190/48)

Language of the case: Polish

Parties

Applicant: Marcin Bielawski (Warsaw, Poland) (represented by: M. Kondrat, lawyer)

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 27 March 2017 (Case R 2047/2016-5), concerning an application for registration of the word sign HOUSE OF CARS as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Marcin Bielawski to pay the costs.

⁽¹⁾ OJ C 249, 31.7.2017.

Order of the General Court of 9 April 2018 — Make up for ever v EUIPO — L'Oréal (MAKE UP FOR EVER PROFESSIONAL)

(Case T-185/16) ⁽¹⁾

(EU trade mark — Application for a declaration of invalidity — Withdrawal of the application for a declaration of invalidity — No need to adjudicate)

(2018/C 190/49)

Language of the case: French

Parties

Applicant: Make up for ever (Paris, France) (represented by: C. Caron, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Bonne and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: L'Oréal SA (Paris) (represented by: S. Micallef, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 5 February 2016 (Case R 3222/2014-5) relating to invalidity proceedings between L'Oréal and Make up for ever.

Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. Make up for ever and L'Oréal SA shall bear their own costs and shall each pay half of the costs incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 243, 4.7.2016.

Order of the General Court of 9 April 2018 — Make up for ever v EUIPO — L'Oréal (MAKE UP FOR EVER)

(Case T-320/16) ⁽¹⁾

(EU trade mark — Application for a declaration of invalidity — Withdrawal of the application for a declaration of invalidity — No need to adjudicate)

(2018/C 190/50)

Language of the case: French

Parties

Applicant: Make up for ever (Paris, France) (represented by: C. Caron, lawyer)