

*Defendant:* European External Action Service (represented by: S. Marquardt, acting as Agent)

**Re:**

Application pursuant to Article 270 TFEU seeking, first, annulment of the decision of 19 September 2016 by which the director of the 'Human Resources' Directorate of the EEAS, acting in his capacity as the authority authorised to conclude contracts of employment, terminated the applicant's employment contract with effect from 19 June 2017 and, secondly, compensation for the damage which the applicant claims to have suffered following that decision.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders Mr Stephan Fleig to pay the costs.*

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(<sup>1</sup>) OJ C 318, 25.9.2017.

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**Judgment of the General Court of 28 March 2019 — dm-drogerie markt v EUIPO — Albea Services (ALBÉA)**

(Case T-562/17) (<sup>1</sup>)

*(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark ALBÉA — Earlier international registration designating the European Union — Word mark Balea — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))*

(2019/C 172/42)

*Language of the case: English*

**Parties**

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

*Defendant:* European Union Intellectual Property Office (represented by: M. Rajh and H. O'Neill, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Albea Services (Gennevilliers, France) (represented by: J.-H. de Mitry, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 25 May 2017 (Case R 1870/2016-1), relating to opposition proceedings between dm-drogerie markt and Albea Services.

**Operative part of the judgment**

The Court:

1. *Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 May 2017 (Case R 1870/2016-1);*
2. *Declares that the parties are to bear their own costs.*

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(<sup>1</sup>) OJ C 338, 9.10.2017.

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**Judgment of the General Court of 29 March 2019 — All Star v EUIPO — Carrefour Hypermarchés (Shape of a shoe sole)**

(Case T-611/17) (<sup>1</sup>)

*(EU trade mark — Invalidity proceedings — Three-dimensional EU trade mark — Shape of a shoe sole — Well known facts — Obligation to state reasons — Rights of defence — Article 75 of Regulation (EC) No 207/2009 (now Article 94(1) of Regulation (EU) 2017/1001) — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009 (now Article 7(1)(b) of Regulation 2017/1001) — Distinctive character acquired through use — Article 7(3) and Article 52(2) of Regulation No 207/2009 (now Article 7(3) and Article 59(2) of Regulation 2017/1001) — Rejection of the request to hold a hearing before the Board of Appeal — Article 77 of Regulation No 207/2009 (now Article 96(1) of Regulation 2017/1001)*

(2019/C 172/43)

Language of the case: French

**Parties**

*Applicant:* All Star CV (Beaverton, Oregon, United States) (represented by: R. Kunze, G. Württenberger, lawyers, and S. Malynicz QC)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Carrefour Hypermarchés (Évry, France) (represented by: C. Verneret, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 27 June 2017 (Case R 952/2014-4), relating to invalidity proceedings between Carrefour Hypermarchés and All Star.