

3. Orders Turbo-K International Ltd and Turbo-K Ltd each to bear their own costs and each to pay half of the costs incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 424, 11.12.2017.

Judgment of the General Court of 14 December 2018 — UR v Commission

(Case T-761/17) ⁽¹⁾

(Civil service — Open competition — Notice of competition EPSO/AD/322/16 for the recruitment of administrators in the field of audit (AD 5/AD 7) — Eligibility condition — Required qualification — Non-inclusion on the reserve list — Obligation to state reasons — Manifest error of assessment — Article 27, first paragraph, of the Staff Regulations)

(2019/C 93/69)

Language of the case: French

Parties

Applicant: UR (represented by: S. Orlandi and T. Martin, lawyers)

Defendant: European Commission (represented by: P. Mihaylova and B. Mongin, acting as Agents)

Re:

Application pursuant to Article 270 TFEU seeking annulment of the decision of 11 August 2017 of the selection board in Competition EPSO/AD/322/16, taken following a review, not to include the applicant's name on the reserve list for that competition.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders UR to pay the costs.

⁽¹⁾ OJ C 32, 29.1.2018.

Judgment of the General Court of 14 December 2018 — Dermatest v EUIPO (ORIGINAL excellent dermatest 3-star-guarantee.de)

(Case T-801/17) ⁽¹⁾

(EU trade mark — Application for EU figurative mark ORIGINAL excellent dermatest 3-star-guarantee.de — Absolute grounds for refusal — Descriptive character — No distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (c) and 7(3) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) and 7(3) of Regulation (EU) 2017/1001))

(2019/C 93/70)

Language of the case: German

Parties

Applicant: Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH (Münster, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 25 September 2017 (Case R 524/2017-4), relating to an application for registration of the figurative sign ORIGINAL excellent dermatest 3-star-guarantee.de as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH to pay the costs.

⁽¹⁾ OJ C 42, 5.2.2018.

Judgment of the General Court of 14 December 2018 — Dermatest v EUIPO (ORIGINAL excellent dermatest 5-star-guarantee.de CLINICALLY TESTED)

(Case T-802/17) ⁽¹⁾

(EU trade mark — Application for EU figurative mark ORIGINAL excellent dermatest 5-star-guarantee.de CLINICALLY TESTED — Absolute grounds for refusal — Descriptive character — No distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (c) and 7(3) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) and 7(3) of Regulation (EU) 2017/1001))

(2019/C 93/71)

Language of the case: German

Parties

Applicant: Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH (Münster, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 25 September 2017 (Case R 525/2017-4), relating to an application for registration of the figurative sign ORIGINAL excellent dermatest 5-star-guarantee.de CLINICALLY TESTED as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dermatest Gesellschaft für allergologische Forschung u. Vertrieb von Körperpflegemitteln mbH to pay the costs.

⁽¹⁾ OJ C 42, 5.2.2018.