

*Defendant:* European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 March 2018 (Case R 978/2017-4) relating to an application for registration of the figurative sign PICK & WIN MULTISLOT as an EU trade mark.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders Zitro IP Sàrl to pay the costs.*

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(<sup>1</sup>) OJ C 231, 2.7.2018.

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**Judgment of the General Court of 10 April 2019 — AV v Commission**

(Case T-303/18 RENV) (<sup>1</sup>)

*(Civil service — Temporary agents — Engagement — Article 13 of the CEOS — Pre-engagement medical examination — Incomplete declarations at the medical examination — Failure of the person concerned to declare an illness — Subsequent discovery by the AECE — Retroactive application of medical cover deferment for five years — Referral to the Invalidity Committee — Reasonable time limit — Responsibility — Non-material injury)*

(2019/C 187/80)

*Language of the case: French*

**Parties**

*Applicant:* AV (represented by: J.-N. Louis, lawyer)

*Defendant:* European Commission (represented by: T. Bohr and L. Vernier, acting as Agents)

**Re:**

Application based on Article 270 TFEU seeking, first, annulment of the decision of the Commission of 16 September 2014 by which the authority empowered to conclude contracts of employment of that institution decided to apply to the applicant the medical reservation clause provided for in Article 32 of the Conditions of Employment of Other Servants of the European Union and not to grant him an invalidity allowance and, second, compensation for the harm he has allegedly suffered in connection with that decision.

**Operative part of the judgment**

The Court:

1. *Rejects the claims for annulment;*
2. *Orders the European Commission to pay AV an amount of EUR 3 000;*

3. *Rejects the claim for damages for the remainder;*
4. *Orders AV and the Commission each to pay their own costs pertaining to the initial proceedings before the Civil Service Tribunal of the European Union, in the action in Case F-91/15 and in the present appeal proceedings in T-303/18 RENV.*

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(<sup>1</sup>) OJ C 406, 7.12.2015 (case initially registered before the Civil Service Tribunal of the European Union under number F-91/15 and transferred to the General Court of the European Union on 1.9.2016).

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**Judgment of the General Court of 11 April 2019 — Fomanu v EUIPO — Fujifilm Imaging Germany  
Resrepresentation of a butterfly)**

(Case T-323/18) (<sup>1</sup>)

**(EU trade mark — Revocation proceedings — EU figurative mark representing a butterfly — Genuine use of the  
mark — Partial revocation — Article 18(1) of Regulation (EU) 2017/1001 — Article 58(1)(a) and (2)  
of Regulation 2017/1001)**

(2019/C 187/81)

*Language of the case: German*

**Parties**

*Applicant:* Fomanu AG (Neustadt an der Waldnaab, Germany) (represented by: S. Reichart, lawyer)

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

*Other party to the proceedings before the Board of Appeal of EUIPO:* Fujifilm Imaging Germany GmbH & Co. KG (Willich, Germany)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 16 March 2018 (Case R 2241/2016-2) relating to revocation proceedings between Fujifilm Imaging Germany and Fomanu.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders Fomanu AG to pay the costs.*

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(<sup>1</sup>) OJ C 240, 9.7.2018.

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