

GENERAL COURT

Judgment of the General Court of 25 June 2020 –Poland v Commission

(Case T-506/18) ⁽¹⁾

(EAGF and EAFRD — Expenditure excluded from financing — Specific support for the tobacco sector — Expenditure incurred by Poland — Key controls — Flat-rate corrections — Obligation to state reasons)

(2020/C 262/27)

Language of the case: Polish

Parties

Applicant: Republic of Poland (represented by: B. Majczyna, B. Włodarczyk, B. Straś and M. Wiąca, acting as Agents)

Defendant: European Commission (represented by: J. Aquilina, B. Hofstätter, M. Kaduczak and A. Stobiecka-Kuik, acting as Agents)

Re:

Action under Article 263 TFEU for the partial annulment of Commission Implementing Decision (EU) 2018/873 of 13 June 2018 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2018 L 152, p. 29).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Republic of Poland to pay the costs.

⁽¹⁾ OJ C 427, 26.11.2018.

Judgment of the General Court of 25 June 2020 — Dermavita v EUIPO — Allergan Holdings France (JUVÉDERM)

(Case T-104/19) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark JUVÉDERM — Genuine use of the mark — Use in connection with the goods in respect of which the mark was registered — Use in the form in which the mark was registered — Use with the proprietor's consent — Article 51(1)(a) of Regulation (EC) No 207/2009 (now Article 58(1)(a) of Regulation (EU) 2017/1001))

(2020/C 262/28)

Language of the case: English

Parties

Applicant: Dermavita Co. Ltd (Beirut, Lebanon) (represented by: G. Paricheva, lawyer)

Defendant: European Union Intellectual Property Office (represented by: K. Zajfert, J. Crespo Carrillo, H. O'Neill and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Allergan Holdings France (Courbevoie, France) (represented by: J. Day, Solicitor, and T. de Haan, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 December 2018 (Case R 2630/2017-4), relating to revocation proceedings between Dermavita and Allergan Holdings France.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dermavita Co. Ltd to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO);
3. Orders Allergan Holdings France to bear its own costs.

(¹) OJ C 139, 15.4.2019.

Judgment of the General Court of 25 June 2020 — Serviceplan Gruppe für innovative Kommunikation v EUIPO (Serviceplan)

(Case T-379/19) (¹)

(EU trade mark — Application for the EU word mark Serviceplan — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001 — Obligation to state reasons — First sentence of Article 94(1) of Regulation 2017/1001)

(2020/C 262/29)

Language of the case: German

Parties

Applicant: Serviceplan Gruppe für innovative Kommunikation GmbH & Co. KG (Munich, Germany) (represented by: B. Koch and P. Schmitz, lawyers)

Defendant: European Union Intellectual Property Office (represented by: E. Markakis, acting as Agent)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 18 March 2019 (Case R 1424/2018-5) concerning an application for registration of the word sign Serviceplan as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Serviceplan Gruppe für innovative Kommunikation GmbH & Co. KG to pay the costs.

(¹) OJ C 270, 12.8.2019.