Judgment of the General Court of 12 December 2019 — gastivo portal v EUIPO — La Fourchette (Depiction of a fork on a green background)

(Case T-266/19) [1]

(EU trade mark — Opposition proceedings — Application for EU figurative mark depicting a fork on a green background — Earlier EU figurative mark gastivo — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 36/39)

Language of the case: English

Parties

Applicant: gastivo portal GmbH (Bremen, Germany) (represented by: O. Spieker, A. Schönfleisch, N. Willich and N. Achilles, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: La Fourchette SAS (Paris, France)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 February 2019 (Case R 1213/2018-4), relating to opposition proceedings between gastivo portal and La Fourchette.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders gastivo portal GmbH to pay the costs.*

[1] OJ C 187, 3.6.2019.

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(Case T-267/19) [1]

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(2020/C 36/40)

Language of the case: English

Parties

Applicant: gastivo portal GmbH (Bremen, Germany) (represented by: O. Spieker, A. Schönfleisch, N. Willich and N. Achilles, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Ivanauskas, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: La Fourchette SAS (Paris, France)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 February 2019 (Case R 1211/2018-4), relating to opposition proceedings between gastivo portal and La Fourchette.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders gastivo portal GmbH to pay the costs.*

([1]) OJ C 230, 8.7.2019.

Action brought on 5 November 2019 – GY v ECB

(Case T-746/19)

(2020/C 36/41)

Language of the case: English

Parties

Applicant: GY (represented by: L. Levi and A. Champetier, lawyers)

Defendant: European Central Bank (ECB)

Form of order sought

The applicant claims that the Court should:

— annul the ECB's decision of 28 January 2019 refusing the applicant the household allowance for the year 2019;

— annul further, if need be, the decisions of 24 April 2019 and 26 August 2019 respectively rejecting the applicant's request for administrative review and the applicant's grievance procedure;

— order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on four pleas in law:

1. First plea in law, alleging violation of the principle of non-discrimination.

2. Second plea in law, alleging violation of the principle of acquired rights.

3. Third plea in law, alleging violation of the '*effet utile*' of the household allowance and of Article 15 of the Conditions of Employment of the ECB.

4. Fourth plea in law, alleging violation of the principle of the duty of care.