

Judgment of the General Court of 16 June 2021 — Health Product Group v EUIPO — Bioline Pharmaceutical (Enterosgel)

(Case T-678/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — International registration designating the European Union — Figurative mark Enterosgel — No bad faith — Article 51(1)(b) of Regulation (EC) No 40/94 (now Article 59(1)(b) of Regulation (EU) 2017/1001))

(2021/C 310/26)

Language of the case: English

Parties

Applicant: Health Product Group sp. z o.o. (Warsaw, Poland) (represented by: M. Kondrat, M. Stępień and A. Przytuła, lawyers)

Defendant: European Union Intellectual Property Office (represented by: E. Markakis and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Bioline Pharmaceutical AG (Baar, Switzerland) (represented by: T. Grucelski, H. Gajek and M. Furmańska, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 August 2019 (Case R 482/2018-4), relating to invalidity proceedings between Health Product Group and Bioline Pharmaceutical.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Health Product Group sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 399, 25.11.2019.

Judgment of the General Court of 16 June 2021 — RA v Court of Auditors

(Case T-867/19) ⁽¹⁾

(Civil service — Officials — Promotion — 2016 promotion exercise — Decision not to promote the applicant to grade AD 11 — Absence of staff report — Comparison of merits — Compliance with a judgment of the General Court — Adoption of a new decision not to promote — Obligation to state reasons — Article 45 of the Staff Regulations — Manifest error of assessment)

(2021/C 310/27)

Language of the case: French

Parties

Applicant: RA (represented by: S. Orlandi, lawyer)

Defendant: European Court of Auditors (represented by: C. Lesauvage and A.-M. Feipel Cosciug, acting as Agents)

Re:

Application under Article 270 TFEU seeking, first, annulment of the decision of 27 February 2019 by which the Court of Auditors decided not to promote the applicant to Grade AD 11 and, second, compensation for the damage which the applicant allegedly suffered as a result of that decision.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 68, 2.3.2020.

Judgment of the General Court of 16 June 2021 — Davide Groppi v EUIPO — Viabizzuno (Table lamp)

(Case T-187/20) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing a table lamp — Earlier Community design — Ground for invalidity — No individual character — Article 6 of Regulation (EC) No 6/2002)

(2021/C 310/28)

Language of the case: Italian

Parties

Applicant: Davide Groppi Srl (Piacenza, Italy) (represented by: F. Boscarior de Roberto, D. Capra and V. Malerba, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Viabizzuno Srl (Bentivoglio, Italy)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 23 January 2020 (Case R 126/2019-3), relating to invalidity proceedings between Viabizzuno and Davide Groppi.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders David Groppi Srl to pay the costs.

⁽¹⁾ OJ C 191, 8.6.2020.

Judgment of the General Court of 16 June 2021 — Chanel v EUIPO — Innovative Cosmetic Concepts (INCOCO)

(Case T-196/20) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark INCOCO — Earlier national word marks COCO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001)

(2021/C 310/29)

Language of the case: French

Parties

Applicant: Chanel (Neuilly sur-Seine, France) (represented by: J. Passa, lawyer)