

Judgment of the General Court of 6 October 2021 — Dermavita Company v EUIPO — Allergan Holdings France (JUVEDERM)

(Case T-372/20) ⁽¹⁾

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

(2021/C 481/33)

Language of the case: English

Parties

Applicant: Dermavita Company S.a.r.l. (Beirut, Lebanon) (represented by: D. Todorov, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Allergan Holdings France SAS (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 14 April 2020 (Case R 877/2019-4), relating to revocation proceedings between Dermavita Company and Allergan Holdings France.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dermavita Company S.a.r.l. to pay the costs of the present proceedings.

⁽¹⁾ OJ C 262, 10.8.2020.

Judgment of the General Court of 6 October 2021 — Allergan Holdings France v EUIPO — Dermavita Company (JUVEDERM)

(Case T-397/20) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark JUVEDERM — Genuine use of the mark — Use in connection with the goods in respect of which the mark is registered — Article 51(1)(a) of Regulation (EC) No 207/2009 (now Article 58(1)(a) of Regulation (EU) 2017/1001))

(2021/C 481/34)

Language of the case: English

Parties

Applicant: Allergan Holdings France SAS (Courbevoie, France) (represented by: J. Day, Solicitor, and T. de Haan, lawyer)

Defendant: European Union Intellectual Property Office (represented by: K. Zajfert and V.J. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Dermavita Company S.a.r.l. (Beirut, Lebanon) (represented by: D. Todorov, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2020 (Case R 877/2019-4), relating to revocation proceedings between Dermavita Company and Allergan Holdings France.

Operative part of the judgment

The Court:

1. Rejects the plea of inadmissibility;
2. Dismisses the action;
3. Orders Allergan Holdings France SAS to bear, in addition to its own costs, the costs incurred by the European Union Intellectual Property Office (EUIPO) and two-thirds of the costs incurred by Dermavita Company S.a.r.l. relating to the present proceedings;
4. Orders Dermavita Company S.a.r.l. to bear a third of its own costs relating to the present proceedings.

(¹) OJ C 279, 24.8.2020.

Judgment of the General Court of 6 October 2021 — Global Translation Solutions v Commission

(Case T-404/20) (¹)

(Public service contracts — Tendering procedure — Translation services — Rejection of a tenderer's bid — Award of the contract to another tenderer — Award criteria — Method of evaluation — Manifest error of assessment — Equal treatment — Transparency — Obligation to state reasons — Duty of diligence — Principle of sound administration)

(2021/C 481/35)

Language of the case: English

Parties

Applicant: Global Translation Solutions ltd. (Valletta, Malta) (represented by: C. Mifsud-Bonnici, lawyer)

Defendant: European Commission (represented by: A. Katsimerou, L. André and M. Ilkova, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of the Commission's decision contained in the letter of 17 April 2020 rejecting the tender submitted by the applicant for Lot 22 (EN>MT) in tendering procedure TRAD 19 and awarding that lot to another tenderer, and for annulment of 'all related decisions'.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Global Translation Solutions ltd. to pay the costs.

(¹) OJ C 297, 7.9.2020.