

**Judgment of the General Court of 12 January 2022 –Verelst v Council**(Case T-647/20) <sup>(1)</sup>

*(Law governing the institutions — Enhanced cooperation on the establishment of the European Public Prosecutor's Office — Regulation (EU) 2017/1939 — Appointment of the European Prosecutors of the European Public Prosecutor's Office — Appointment of one of the candidates nominated by Belgium — Rules applicable to the appointment of the European Prosecutors)*

(2022/C 119/49)

Language of the case: French

**Parties**

*Applicant:* Jean-Michel Verelst (Éghezée, Belgium) (represented by: C. Molitor, lawyer)

*Defendant:* Council of the European Union (represented by: K. Pleśniak, R. Meyer and K. Kouri, acting as Agents)

*Intervener in support of the defendant:* Kingdom of Belgium (represented by: C. Pochet, M. Van Regemorter and M. Jacobs, acting as Agents)

**Re:**

Application under Article 263 TFEU for annulment of Council Implementing Decision (EU) 2020/1117 of 27 July 2020 appointing the European Prosecutors of the European Public Prosecutor's Office (OJ 2020 L 244, p. 18) in so far as it appoints Mr Yves Van Den Berge as a European Prosecutor of the European Public Prosecutor's Office and rejects the candidacy of the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mr Jean-Michel Verelst to bear his own costs and to pay those incurred by the Council of the European Union;
3. Orders the Kingdom of Belgium to bear its own costs.

<sup>(1)</sup> OJ C 9, 11.1.2021.

**Judgment of the General Court of 19 January 2022 — Masterbuilders, Heiermann, Schmidtman v EUIPO — Cirillo (POMODORO)**(Case T-76/21) <sup>(1)</sup>

*(EU trade mark — Revocation proceedings — EU word mark POMODORO — Genuine use of the trade mark — Article 58(1)(a) of Regulation (EU) 2017/1001 — Statement setting out the grounds of appeal — Period for lodging — Article 58(3) of Delegated Regulation (EU) 2018/625 — Facts or evidence submitted for the first time before the Board of Appeal — Article 27(4) of Delegated Regulation 2018/625 — Proof of genuine use)*

(2022/C 119/50)

Language of the case: English

**Parties**

*Applicant:* Masterbuilders, Heiermann, Schmidtman GbR (Tübingen, Germany) (represented by: H. Hillers, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: R. Raponi and V. Ruzek, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Francesco Cirillo (Berlin, Germany)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 30 November 2020 (Case R 715/2020-5), relating to revocation proceedings between Masterbuilders, Heiermann, Schmidtman and Mr Cirillo.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Masterbuilders, Heiermann, Schmidtman GbR to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) in the proceedings before the General Court.

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(<sup>1</sup>) OJ C 110, 29.3.2021.

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**Judgment of the General Court of 19 January 2022 — Construcciones Electromecánicas Sabero v EUIPO — Magdalenas de las Heras (Heras Bareche)**

(Case T-99/21) (<sup>1</sup>)

*(EU trade mark — Opposition proceedings — Application for EU figurative mark Heras Bareche — Earlier EU figurative mark MAGDALENAS DeLasHeras — Relative ground for refusal — Article 8(1)(b) of Regulation (EU) 2017/1001)*

(2022/C 119/51)

*Language of the case: Spanish*

**Parties**

*Applicant:* Construcciones Electromecánicas Sabero, SL (Madrid, Spain) (represented by: I. Valdelomar Serrano, P. Román Maestre and D. Liern Cendrero, lawyers)

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

*Other party to the proceedings before the Board of Appeal of EUIPO:* Magdalenas de las Heras, SA (Aranda de Duero, Spain)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 2 December 2020 (Case R 1019/2020-5) relating to opposition proceedings between Magdalenas de las Heras and Construcciones Electromecánicas Sabero.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Construcciones Electromecánicas Sabero, SL to pay the costs.

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(<sup>1</sup>) OJ C 138, 19.4.2021.