

Judgment of the General Court of 13 July 2022 — Pejovič v EUIPO — ETA živilska industrija (SALATINA)

(Case T-287/21) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark SALATINA — Absolute ground for invalidity — Bad faith — Article 52(1)(b) of Regulation (EC) No 207/2009 (now Article 59(1)(b) of Regulation (EU) 2017/1001))

(2022/C 340/50)

Language of the case: English

Parties

Applicant: Edvin Pejovič (Pobegi, Slovenia) (represented by: U. Pogačnik, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the Court: ETA živilska industrija d.o.o. (Kamnik, Slovenia) (represented by: J. Sibinčič, lawyer)

Re:

By its action under Article 263 TFEU, the applicant, Mr Edvin Pejovič, seeks the annulment and alteration of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 23 March 2021 (Case R 889/2020-4) ('the contested decision').

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 23 March 2021 (Case R 889/2020-4);
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and to pay those incurred by Mr Edvin Pejovič for the purposes of the present proceedings and for the purposes of the proceedings before the Board of Appeal;
4. Orders ETA živilska industrija d.o.o. to bear its own costs.

⁽¹⁾ OJ C 278, 12.7.2021.

Judgment of the General Court of 6 July 2022 — ALO jewelry CZ v EUIPO — Cartier International (ALove)

(Case T-288/21) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark ALove — Earlier international figurative mark LOVE — Relative ground for refusal — Taking unfair advantage of the distinctive character or repute of the earlier mark — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001))

(2022/C 340/51)

Language of the case: English

Parties

Applicant: ALO jewelry CZ s. r. o. (Prague, Czech Republic) (represented by: K. Čermák, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Cartier International AG (Steinhausen, Switzerland) (represented by: A. Zalewska, lawyer)

Re:

By its action based on Article 263 TFEU, the applicant seeks annulment of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 18 March 2021 (Case R 2679/2019-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders ALO jewelry CZ s. r. o. to pay the costs.

(¹) OJ C 278, 12.7.2021.

Judgment of the General Court of 6 July 2022 — HB v Commission

(Case T-408/21) (¹)

(Public service contracts — Provision of technical assistance services to the High Judicial Council and to the Ukrainian authorities — Irregularities in the contract award procedures — Recovery of sums wrongly paid — Enforceable decisions — Article 299 TFEU — Competence of the author of the act — Non-contractual liability of the Union)

(2022/C 340/52)

Language of the case: French

Parties

Applicant: HB (represented by: L. Levi, lawyer)

Defendant: European Commission (represented by: B. Araujo Arce, J. Estrada de Solà and J. Baquero Cruz, acting as Agents)

Re:

By her action, the applicant seeks, first, on the basis of Article 263 TFEU, the annulment of Commission Decision C(2021) 3339 final of 5 May 2021 relating to the recovery of a debt in the amount of EUR 4 241 507,00 payable by the applicant under the contract with reference TACIS/2006/101-510, and of Commission Decision C(2021) 3340 final of 5 May 2021 relating to the recovery of a debt in the amount of EUR 1 197 055,86 payable by the applicant under the contract with reference CARDS/2008/166-429; and, secondly, on the basis of Article 268 TFEU, the reimbursement of any amounts recovered by the European Commission on the basis of those decisions, together with late-payment interest at the rate applied by the European Central Bank (ECB) plus seven points, and the payment of symbolic damages of EUR 1, subject to increase, for the non-material damage which she claims to have suffered.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2021) 3339 final of 5 May 2021 relating to the recovery of a debt of EUR 4 241 507 payable by HB and Commission Decision C(2021) 3340 final of 5 May 2021 relating to the recovery of a debt of EUR 1 197 055,86 payable by HB;
2. Dismisses the action as to the remainder;
3. Orders HB and the European Commission each to bear their own costs, including those relating to the interlocutory proceedings.

(¹) OJ C 338, 23.8.2021.