

Judgment of the General Court of 8 February 2023 — Sport1 v EUIPO — SFR (SFR SPORT1)(Case T-141/22) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark SFR SPORT 1 — Earlier national and international figurative marks sport1 — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Distinctive character acquired through use — Interdependence between factors)

(2023/C 112/43)

Language of the case: English

Parties

Applicant: Sport1 GmbH (Ismaning, Germany) (represented by: J. Krekel and C. Otto, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Société française du radiotéléphone — SFR (Paris, France) (represented by: M. Pasquier, lawyer)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 10 December 2021 (Case R 2329/2020-1).

Operative part of the judgment

The Court:

1. Partially annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 10 December 2021 (Case R 2329/2020-1), in so far as the Board of Appeal found that there was no likelihood of confusion with regard to the services covered by the mark applied for which are referred to in paragraphs 42 to 44 and 52 to 61 of that decision;
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and to pay those incurred by Sport1 GmbH;
4. Orders Société française du radiotéléphone — SFR to bear its own costs.

⁽¹⁾ OJ C 191, 10.5.2022.

Order of the General Court of 9 February 2023 — Folkertsma v Commission(Case T-778/21) ⁽¹⁾

(Action for damages — Contract for technical assistance for support to Bangsamoro transition (Subatra) — Commission's request to have the applicant replaced as expert — Termination of the contract between the successful tenderer and the applicant — Non-contractual liability — Sufficiently serious breach of a rule of law intended to confer rights on individuals — Causal link — Action manifestly lacking any foundation in law)

(2023/C 112/44)

Language of the case: English

Parties

Applicant: Rommert Folkertsma (Zierikzee, Netherlands) (represented by: L. Levi and P. Baudoux, lawyers)

Defendant: European Commission (represented by: C. Giolito and T. Van Noyen, acting as Agents)

Re:

By his action based on Article 268 TFEU, the applicant seeks compensation for the financial and non-material damage which he claims to have suffered following the European Commission's request to have him replaced as an expert in the context of a European Union technical assistance project in support of the Republic of the Philippines.

Operative part of the order

1. The action is dismissed.
2. Mr Rommert Folkertsma shall pay the costs.

(¹) OJ C 84, 21.2.2022.

Order of the General Court of 7 February 2023 — Euranimi v Commission

(Case T-81/22) (¹)

(Action for annulment — Dumping — Imports of stainless steel cold-rolled flat products originating in India and Indonesia — Definitive anti-dumping duty — Act not of individual concern — Regulatory act entailing implementing measures — Inadmissibility)

(2023/C 112/45)

Language of the case: English

Parties

Applicant: European Association of Non-Integrated Metal Importers & distributors (Euranimi) (Brussels, Belgium) (represented by: M. Campa, D. Rovetta, P. Gjørtler and V. Villante, lawyers)

Defendant: European Commission (represented by: K. Blanck and G. Luengo, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant, an association representing the interests of European importers, distributors, traders and processors of unintegrated steel, stainless steel and metal products, seeks annulment of Commission Implementing Regulation (EU) 2021/2012 of 17 November 2021 imposing a definitive anti-dumping duty and definitively collecting the provisional duty imposed on imports of stainless steel cold-rolled flat products originating in India and Indonesia (OJ 2021 L 410, p. 153).

Operative part of the order

1. The action is dismissed as inadmissible.
2. There is no longer any need to adjudicate on the European Steel Association (Eurofer)'s application to intervene.