

### Form of order sought

The applicant claims that the Court should:

- annul the decision of 8 February 2021 of the European Commission (appointing authority) in that it rejects in part the applicant's claims of 2 October 2020 based on psychological harassment for which the European Commission is liable on the basis of Articles 12a(1) and (3) of the Staff Regulations, and more specifically by not acknowledging the harassment suffered since November 2014, by committing manifest errors of assessment of the alleged facts, by not drawing the appropriate conclusions, by infringing its obligation to provide assistance and by refusing to open the recognition procedure in respect of the applicant's invisible mental disability before the reintegration procedure following the applicant being declared unfit to work and by refusing to determine reasonable accommodations for the performance of the essential functions of the applicant's employment such as part-time work on medical grounds, teleworking and refresher training, in accordance with Articles 1d(4) and 33 of the Staff Regulations, Article 15 of Annex VIII of the Staff Regulations and Commission Decision C(2004) 1318 of 7 April 2004;
- order the European Commission to pay the applicant damages of EUR 40 000 as compensation for the non-material damage suffered in that context;
- order the European Commission to pay the applicant damages of EUR 106 649,02 as compensation for financial damage suffered in that context up to 31 December 2021, without prejudice to the applicant's right to request a reassessment covering the financial damage that will be incurred between 1 January 2022 and the requested date of reintegration;
- order the defendant to pay the costs of the proceedings, pursuant to Article 134 of the Rules of Procedure of the General Court of the European Union.

### Pleas in law and main arguments

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging psychological harassment of the applicant by several members of the European Commission's Medical Service, concurrent breaches of the duty to have regard for the welfare of staff and of the principles of non-discrimination and proportionality in the context of the applicant's request for reintegration following invalidity since November 2014, manifest errors in the assessment of the facts alleged and an infringement of the obligation to provide assistance and lastly infringement of the obligation to initiate the procedure for establishing the applicant's disability which must take place before the procedure for the applicant's reintegration.
2. Second plea in law, requesting damages for the abovementioned harassment.

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**Action brought on 20 December 2021 — Team Beverage v EUIPO (TEAM BUSINESS IT DATEN — PROZESSE — SYSTEME)**

**(Case T-786/21)**

(2022/C 73/71)

*Language of the case: German*

### Parties

*Applicant:* Team Beverage AG (Bremen, Germany) (represented by: O. Spieker, D. Mienert and J. Selbmann, lawyers)

*Defendant:* European Union Intellectual Property Office (EUIPO)

### Details of the proceedings before EUIPO

*Trade mark at issue:* Application for EU figurative mark TEAM BUSINESS IT DATEN — PROZESSE — SYSTEME in blue and grey — Application for registration No 17 660 655

*Contested decision:* Decision of the Second Board of Appeal of EUIPO of 8 October 2021 in Case R 2185/2020-2

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision;
- order EUIPO to pay the costs.

### **Pleas in law**

- Infringement of Article 7(1)(c) in conjunction with Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council;
- Infringement of Article 7(1)(b) in conjunction with Article 7(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.

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**Action brought on 21 December 2021 — UniSkin v EUIPO — Unicskin (UNISKIN by Dr. Søren Frankild)**

**(Case T-787/21)**

**(2022/C 73/72)**

*Language of the case: English*

### **Parties**

*Applicant:* UniSkin ApS (Silkeborg, Denmark) (represented by: M. Hoffgaard Rasmussen, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO)

*Other party to the proceedings before the Board of Appeal:* Unicskin, SL (Madrid, Spain)

### **Details of the proceedings before EUIPO**

*Applicant of the trade mark at issue:* Applicant before the General Court

*Trade mark at issue:* Application for European Union figurative mark UNISKIN by Dr. Søren Frankild — Application for registration No 18 153 435

*Procedure before EUIPO:* Opposition proceedings

*Contested decision:* Decision of the Fourth Board of Appeal of EUIPO of 20 October 2021 in Case R 771/2021-4

### **Form of order sought**

The applicant claims that the Court should:

- annul the contested decision and, subsequently, reject the opposition against the trade mark in its entirety;

### **Plea in law**

- Infringement of Article 8(1)(b) of Regulation (EU) 2017/1001 of the European Parliament and of the Council.
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