

GENERAL COURT

Judgment of the General Court of 7 June 2023 — TC v Parliament

(Case T-309/21) ⁽¹⁾

(Law governing the institutions — Rules governing expenses and allowances for Members of Parliament — Parliamentary assistance allowance — Recovery of sums unduly paid — Reasonable time — Burden of proof — Right to be heard — Protection of personal data — Article 9 of Regulation (EU) 2018/1725 — Article 26 of the Staff Regulations)

(2023/C 261/41)

Language of the case: Lithuanian

Parties

Applicant: TC (represented by: D. Aukštuolytė, lawyer)

Defendant: European Parliament (represented by: M. Ecker and S. Toliušis, Agents)

Re:

By his application based on Article 263 TFEU, the applicant seeks the annulment, first, of the decision of the Secretary-General of the European Parliament of 16 March 2021 declaring a debt owed by him in the amount of EUR 78 838,21 unduly paid in the form of parliamentary assistance expenses and ordering its recovery and, second, of the debit note No 7010000523 of 31 March 2021.

Operative part of the judgment

The Court:

1. Declares that there is no need to adjudicate on the action for annulment, in so far as it is directed against, first, the decision of the Secretary-General of the European Parliament, of 16 March 2021 declaring a debt owed by TC, for a sum unduly paid in the form of parliamentary assistance expenses, and ordering the recovery of that sum and, second, the debit note No 7010000523 of 31 March 2021, in so far as that decision and that note concern the remuneration, social costs and travel expenses relating to A's employment during the period between 1 April and 22 November 2016, in respect of an amount of EUR 28 083,67;
2. Annuls the abovementioned decision of the Secretary-General of the Parliament of 16 March 2021 and the debit note No 7010000523 of 31 March 2021, in so far as they order the recovery from TC of the remuneration, social costs and travel expenses relating to A's employment during the period between 22 May 2015 and 31 March 2016, in respect of an amount of EUR 50 754,54;
3. Orders the Parliament to pay the costs.

⁽¹⁾ OJ C 320, 9.8.2021.

Judgment of the General Court of 7 June 2023 — Vallegre v EUIPO — Joseph Phelps Vineyards (PORTO INSÍGNIA)

(Case T-33/22) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark PORTO INSÍGNIA — Earlier EU word mark INSÍGNIA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2023/C 261/42)

Language of the case: English

Parties

Applicant: Vallegre, Vinhos do Porto, SA (Sabrosa, Portugal) (represented by: E. Armero Lavie, G. Marín Raigal and J. Oria Sousa-Montes, lawyers)

Defendant: European Union Intellectual Property Office (represented by: E. Nicolás Gómez, M. Eberl and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Joseph Phelps Vineyards LLC (Saint Helena, California, United States) (represented by: S. Reinhard, lawyer)

Re:

By its action under 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 26 October 2021 (Case R 894/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Vallegre, Vinhos do Porto, SA to pay the costs.

(¹) OJ C 119, 14.3.2022.

Judgment of the General Court of 7 June 2023 — DDR Kultur v EUIPO — Groupe Canal+ (THE PLANET)

(Case T-47/22) (¹)

(EU trade mark — Opposition proceedings — Application for the EU figurative mark THE PLANET — Earlier EU figurative mark PLANÈTE + — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2023/C 261/43)

Language of the case: English

Parties

Applicant: DDR Kultur UG (haftungsbeschränkt) (Berlin, Germany) (represented by: I. Yeboah, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Bosse and D. Gája, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Groupe Canal+, (Issy-les-Moulineaux, France) (represented by M. Georges-Picot and C. Cuny, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 November 2021 (Case R 2385/2020-2).

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 November 2021 (Case R 2385/2020-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by DDR Kultur UG (haftungsbeschränkt) in the proceedings before the Court;
3. Orders Groupe Canal+ to bear its own costs.

(¹) OJ C 128, 21.3.2022