

Judgment of the General Court of 19 April 2023 — Gerhard Grund Gerüste v EUIPO — Josef-Grund-Gerüstbau (Josef Grund Gerüstbau)

(Case T-749/21) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark Josef Grund Gerüstbau — Earlier national figurative mark grund — Relative ground for invalidity — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2023/C 189/37)

Language of the case: German

Parties

Applicant: Gerhard Grund Gerüste e. K. (Kamp-Lintfort, Germany) (represented by: P. Lee, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Josef-Grund-Gerüstbau GmbH (Erfurt, Germany) (represented by: T. Staupendahl, 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 22 September 2021 (Case R 1925/2020-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Gerhard Grund Gerüste e. K. to pay the costs.

⁽¹⁾ OJ C 37, 24.1.2022.

Judgment of the General Court of 19 April 2023 — OD v Eurojust

(Case T-61/22) ⁽¹⁾

(Civil service — Members of the temporary staff — Temporary reassignment in the interests of the service — Article 7 of the Staff Regulations — Request for assistance — Article 24 of the Staff Regulations — Provisional distancing measure — Concept of ‘act adversely affecting an official’ — Right to be heard — Liability)

(2023/C 189/38)

Language of the case: French

Parties

Applicant: OD (represented by: N. de Montigny, lawyer)

Defendant: European Union Agency for Criminal Justice Cooperation (represented by: A. Terstegen-Verhaag and M. Castro Granja, acting as Agents, and by D. Waelbroeck and A. Duron, lawyers)

Re:

By her action under Article 270 TFEU, the applicant seeks, first, annulment of the decision of 17 June 2021 by which the European Union Agency for Criminal Justice Cooperation (Eurojust) decided to reassign her temporarily to a [confidential] post, as well as, in so far as necessary, the decision of 21 October 2021 by which Eurojust rejected her complaint of 22 June 2021, and, secondly, compensation for the damage which she claims to have suffered following those decisions.

Operative part of the judgment

The Court:

1. Annuls the decision of the European Union Agency for Criminal Justice Cooperation (Eurojust) of 17 June 2021 concerning the temporary reassignment of OD to a [confidential] post;
2. Dismisses the action as to the remainder;
3. Orders Eurojust to bear its own costs and to pay those incurred by OD.

(¹) OJ C 119, 14.3.2022.

Judgment of the General Court of 19 April 2023 — Siemens v Parliament

(Case T-74/22) (¹)

(Public procurement — Public works contracts — Tendering procedure — Renewal of the fire safety system in the Parliament buildings in Strasbourg — Rejection of a tenderer's tender and award of the contract to other tenderers — Non-contractual liability)

(2023/C 189/39)

Language of the case: French

Parties

Applicant: Siemens SAS (Saint-Denis, France) (represented by: E. Berkani and M. Blanchard, lawyers)

Defendant: European Parliament (represented by: E. Taneva and V. Naglič, acting as Agents)

Re:

By its action, the applicant seeks, principally, on the basis of Article 263 TFEU, annulment of the decisions of the European Parliament of 8 December 2021 not to accept the tenders submitted by the consortium composed of the applicant and Eiffage Energie Systèmes — Alsace Franche-Comté in the context of Lots Nos 1 and 2 of call for tenders 06A 70/2021/M004, relating to the renewal of the fire safety system in the Parliament buildings in Strasbourg (France), and to award the contract to other tenderers, and, in the alternative, on the basis of Article 268 TFEU, compensation for the loss which it allegedly suffered as a result of the adoption of the contested decisions.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Siemens SAS to pay the costs.

(¹) OJ C 138, 28.3.2022.

Judgment of the General Court of 19 April 2023 — OQ v Commission

(Case T-162/22) (¹)

(Civil Service — Officials — Disciplinary proceedings — Disciplinary penalty — Removal from post without reduction of entitlement to a pension — Article 10 of Annex IX to the Staff Regulations — Proportionality — Obligation to state reasons)

(2023/C 189/40)

Language of the case: French

Parties

Applicant: OQ (represented by: N. Maes and J.-N. Louis, lawyers)