

Judgment of the General Court of 12 July 2023 — Tavitova v EUIPO– Cordier (AURUS)(Case T-662/22) ⁽¹⁾**(EU trade mark — Opposition proceedings — Application for EU figurative mark AURUS — International registration of the earlier word mark AUDAS — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)**

(2023/C 329/35)

Language of the case: French

Parties*Applicant:* Zalina Tavitova (Batoulieh, Lebanon) (represented by: V. Kojevnikov, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: V. Ruzek, acting as Agent)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Cordier (Bordeaux, France) (represented by: D. Remy, lawyer)**Re:**

By her action under Article 263 TFEU, the applicant seeks the annulment in part of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 August 2022 (Case R 2139/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Zalina Tavitova to pay the costs incurred by Cordier.

⁽¹⁾ OJ C 7, 9.1.2023.

Judgment of the General Court of 12 July 2023 — Fibrecycle v EUIPO (BACK-2-NATURE)(Case T-772/22) ⁽¹⁾**(EU trade mark — International registration designating the European Union — Word mark BACK-2-NATURE — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)**

(2023/C 329/36)

Language of the case: English

Parties*Applicant:* Fibrecycle Pty Ltd (Helensvale, Australia) (represented by: T. Stein, lawyer)*Defendant:* European Union Intellectual Property Office (represented by: R. Raponi, acting as Agent)**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 5 October 2022 (Case R 1699/2020-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the parties to bear their own costs.

⁽¹⁾ OJ C 45, 6.2.2023.

Order of the General Court of 27 July 2023 — France v Commission

(Case T-785/22) ⁽¹⁾

**(Civil service — Recruitment — Notice of competition — Notice of cancellation of the competition —
Action which has become devoid of purpose — No need to adjudicate)**

(2023/C 329/37)

Language of the case: French

Parties

Applicant: French Republic (represented by: T. Stéhelin, B. Fodda, E. Leclerc and S. Royon, acting as Agents)

Defendant: European Commission (represented by: T. Lilamand, G. Niddam and L. Vernier, acting as Agents)

Interveners in support of the applicant: Kingdom of Belgium (represented by: C. Pochet, M. Van Regemorter and S. Baeyens, acting as Agents), Italian Republic (represented by: G. Palmieri, acting as Agent, and P. Gentili, avvocato dello Stato)

Re:

By its action under Article 263 TFEU, the French Republic seeks the annulment of the notice of open competition EPSO/AST/154/22 — Assistants (AST 3) to draw up reserve lists in the fields of financial management, accounting and treasury, public procurement, graphic design and visual content production, social and digital media, and webmaster (OJ 2022 C 363 A, p. 1).

Operative part of the order

1. There is no longer any need to adjudicate on the action.
2. The French Republic, the European Commission, the Kingdom of Belgium and the Italian Republic shall each bear their own costs.

⁽¹⁾ OJ C 45, 6.2.2023.

Order of the General Court of 27 July 2023 — Frajese v Commission

(Case T-786/22) ⁽¹⁾

(Action for annulment — Medicinal products for human use — Marketing authorisation for the medicinal product Spikevax — Marketing authorisation for the medicinal product Comirnaty — COVID-19 vaccine — No interest in bringing proceedings — No direct concern — No individual concern — Inadmissibility)

(2023/C 329/38)

Language of the case: Italian

Parties

Applicant: Giovanni Frajese (Rome, Italy) (represented by: O. Milanese and A. Montanari, lawyers)