

Order of the General Court of 30 June 2023 — Thunus and Others v EIB(Case T-666/20) ⁽¹⁾

(Civil service — Staff of the EIB — Remuneration — Annual salary adjustment — Plea of illegality — Res judicata — Legal certainty — Legitimate expectations — Staff consultation — Obligation to state reasons — Proportionality — Action manifestly lacking any foundation in law)

(2023/C 296/35)

Language of the case: French

Parties

Applicants: Vincent Thunus (Contern, Luxembourg) and the five other applicants whose names are listed in the annex to the order (represented by: L. Levi, lawyer)

Defendant: European Investment Bank (represented by: T. Gilliams, A. García Sánchez and E. Manoukian, acting as Agents, and P.-E. Partsch, lawyer)

Re:

By their action under Article 270 TFEU and Article 50a of the Statute of the Court of Justice of the European Union, the applicants seek, first, annulment of the decisions of the European Investment Bank (EIB), contained in their pay slips for March 2020 and subsequent months, setting the annual adjustment of the basic salary at 0,7 % for the year 2020 and, secondly, compensation for the material damage they claim to have suffered as a result of those decisions.

Operative part of the order

1. The action is rejected as manifestly lacking any foundation in law.
2. Mr Vincent Thunus and the other applicants whose names are listed in the annex shall bear their own costs and pay those incurred by the European Investment Bank (EIB).

⁽¹⁾ OJ C 28, 25.1.2021.

Order of the General Court of 29 June 2023 — Puma v EUIPO — Herno (HERZO)(Case T-719/22) ⁽¹⁾

(Action for annulment — EU trade mark — Opposition proceedings — Application for the EU word mark HERZO — Earlier EU figurative mark HERNO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001 — Action manifestly lacking any foundation in law)

(2023/C 296/36)

Language of the case: English

Parties

Applicant: Puma SE (Herzogenaurach, Germany) (represented by: M. Schunke and P. Trieb, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Herno SpA (Lesa, Italy)

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 19 July 2022 (Case R 297/2022-1).

Operative part of the order

1. The action is dismissed as manifestly lacking any foundation in law.
2. Each party shall bear its own costs.

(¹) OJ C 15, 16.1.2023.

Action brought on 15 May 2023 — Volvo Personvagnar v EUIPO (Shape of headlights)

(Case T-260/23)

(2023/C 296/37)

Language of the case: Swedish

Parties

Applicant: Volvo Personvagnar AB (Gothenburg, Sweden) (represented by: H.-A. Odh and E. Esaiasson, lawyers)

Defendant: European Union Intellectual Property Office (EUIPO)

Details of the proceedings before EUIPO

Trade mark at issue: Application for an EU three-dimensional mark (Shape of headlights) — Application for registration No 18 560 591

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 9 March 2023 in Case R 1129/2022-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision under Article 72 EUTMR and alter the decision in order to approve the applicant's application for registration of EU trade mark No 18 560 591;
- order the defendant, on the basis of Article 134 of the Rules of Procedure of the General Court, to pay the applicant's costs in both the proceedings before the Court and before the European Union Intellectual Property Office;
- treat the following evidence as confidential:
 - Annex A.1 — Statement by expert Aina Nilsson Ström and annex (CV)
 - Annex A.3 — Confirmation of a licence between Volvo Cars and Polestar.

Plea in law

- Infringement of Article 7(1)(b) of Regulation (EU) No 2017/1001 of the European Parliament and of the Council.
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