

**Judgment of the General Court of 16 December 2020 — VW v Commission**(Case T-243/18) <sup>(1)</sup>**(Civil service — Officials — Surviving spouse — Survivor's pension — Articles 18 and 20 of Annex VIII to the Staff Regulations — Conditions for eligibility — Duration of the marriage — Plea of illegality — Equal treatment — Principle of proportionality)**

(2021/C 53/41)

*Language of the case: French***Parties***Applicant:* VW (represented by: N. de Montigny, lawyer)*Defendant:* European Commission (represented by: B. Mongin and L. Vernier, acting as Agents)*Interveners in support of the defendant:* European Parliament (represented by: D. Boytha and J. Steele, acting as Agents), Council of the European Union (represented by: M. Bauer and R. Meyer, acting as Agents)**Re:**

Application based on Article 270 TFEU seeking the annulment of the decision of the Commission of 26 June 2017 dismissing the applicant's application for a survivor's pension and, in so far as is necessary, of the decision rejecting the complaint against that decision of 19 January 2018.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the European Commission of 26 June 2017 dismissing VW's application for a survivor's pension;
2. Orders the Commission to bear its own costs and to pay those incurred by VW;
3. Orders the European Parliament and the Council of the European Union to bear their own costs.

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<sup>(1)</sup> OJ C 231, 2.7.2018.

**Judgment of the General Court of 16 December 2020 — American Airlines v Commission**(Case T-430/18) <sup>(1)</sup>**(Competition — Concentrations — Air transport market — Decision declaring a concentration compatible with the internal market and the EEA Agreement — Commitments — Decision granting Grandfathering rights — Error of law — Concept of appropriate use)**

(2021/C 53/42)

*Language of the case: English***Parties***Applicant:* American Airlines, Inc. (Fort Worth, Texas, United States) (represented by: J.-P. Poitras, Solicitor, J. Ruiz Calzado and J. Wileur, lawyers)*Defendant:* European Commission (represented by: T. Franchoo, H. Leupold and L. Wildpanner, acting as Agents)*Intervener in support of the defendant:* Delta Air Lines, Inc. (Wilmington, Delaware (United States) (represented by: M. Demetriou, QC, C. Angeli and I. Giles, lawyers)

**Re:**

Application under Article 263 TFEU for annulment of Commission Decision C(2018) 2788 final of 30 April 2018 granting Grandfathering rights to Delta Air Lines (Case M.6607 — US Airways/American Airlines).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders American Airlines, Inc. to bear its own costs and pay those incurred by the European Commission;
3. Orders Delta Air Lines, Inc. to bear its own costs.

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(<sup>1</sup>) OJ C 319, 10.9.2018.

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**Judgment of the General Court of 16 December 2020 — Pareto Trading v EUIPO — Bikor and Bikor Professional Color Cosmetics (BIKOR EGYPTIAN EARTH)**

(Case T-438/18) (<sup>1</sup>)

*(EU trade mark — Invalidity proceedings — EU word mark BIKOR EGYPTIAN EARTH — Absolute ground for refusal — Bad faith — Article 52(1)(b) of Regulation (EC) No 207/2009 (now Article 59(1)(b) of Regulation (EU) 2017/1001))*

(2021/C 53/43)

Language of the case: English

**Parties**

*Applicant:* Pareto Trading Co., Inc. (Carlstadt, New Jersey, United States) (represented by: I. Sempere Massa, C. Martínez-Tercero Molina and V. Balaguer Fuentes, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: D. Gája, H. O'Neill, V. Ruzek and S. Hanne, acting as Agents)

*Other parties to the proceedings before the Board of Appeal of EUIPO:* Elżbieta Korbut Bikor (Gdańsk, Poland) and Bikor Professional Color Cosmetics Małgorzata Wedekind (Gdańsk)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 24 April 2018 (Case R 1826/2015-1) relating to invalidity proceedings between Pareto Trading, on the one hand, and Ms Bikor and Bikor Professional Color Cosmetics Małgorzata Wedekind, on the other.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Pareto Trading Co., Inc. to pay the costs.

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(<sup>1</sup>) OJ C 319, 10.9.2018.