

Judgment of the General Court of 11 November 2020 — Totalizator Sportowy v EUIPO — Lottoland Holdings (Lottoland)

(Case T-820/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark Lottoland — Earlier national figurative marks LOTTO and Lotto — Earlier national word mark lotto — Declaration of partial invalidity — Relative ground for refusal — No damage to reputation — No link between the marks at issue — Article 8(5) and Article 60(1)(a) of Regulation (EU) 2017/1001)

(2021/C 9/26)

Language of the case: English

Parties

Applicant: Totalizator Sportowy sp. z o.o. (Warsaw, Poland) (represented by: B. Matusiewicz-Kulig, lawyer)

Defendant: European Union Intellectual Property Office (represented by: P. Sipos and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Lottoland Holdings Ltd (Ocean Village, Gibraltar) (represented by: A. Gérard, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 2 October 2019 (Case R 97/2019-4), relating to invalidity proceedings between Totalizator Sportowy and Lottoland Holdings.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Totalizator Sportowy sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 45, 10.2.2020.

Judgment of the General Court of 28 October 2020 — Dehousse v Court of Justice of the European Union

(Case T-857/19) ⁽¹⁾

(Access to documents — Court of Justice of the European Union — Documents held by an institution in the exercise of its administrative functions — Article 266 TFEU — Decision adopted to give effect to a judgment of the General Court — Measures necessary to give effect to a judgment delivered in an action for annulment — Presumption of non-existence or non-possession of documents — Plausible explanations making it possible to determine the reasons for the non-existence or non-possession of documents — Obligation to state reasons — Retention of documentation — Principle of good administration)

(2021/C 9/27)

Language of the case: French

Parties

Applicant: Franklin Dehousse (Brussels, Belgium) (represented by: L. Levi and S. Rodrigues, lawyers)

Defendant: Court of Justice of the European Union (represented by: J. Inghelram and Á. Almendros Manzano, acting as Agents)