

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fashioneast Sàrl and AM.VI. Srl to pay the costs.

⁽¹⁾ OJ C 255, 3.8.2020.

Judgment of the General Court of 14 July 2021 — KO v Commission

(Case T-389/20) ⁽¹⁾

(Civil service — Members of the temporary staff — Remuneration — Expatriation allowance — Article 4(1)(a) of Annex VII to the Staff Regulations — Refusal to grant the expatriation allowance — Habitual residence — Period of training)

(2021/C 349/48)

Language of the case: English

Parties

Applicant: KO (represented by: S. Rodrigues and A. Champetier, lawyers)

Defendant: European Commission (represented by: T. Bohr and A.-C. Simon, acting as Agents)

Re:

Action under Article 270 TFEU for annulment of the decision of the Commission's Office for the Administration and Payment of Individual Entitlements (PMO) of 18 October 2019 refusing to grant the applicant the expatriation allowance.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders KO to pay the costs.

⁽¹⁾ OJ C 279, 24.8.2020.

Judgment of the General Court of 14 July 2021 — Cole Haan v EUIPO — Samsøe & Samsøe Holding (Ø)

(Case T-399/20) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark Ø — Earlier international figurative mark φ — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2021/C 349/49)

Language of the case: English

Parties

Applicant: Cole Haan LLC (Greenland, New Hampshire, United States) (represented by: G. Vos, lawyer)

Defendant: European Union Intellectual Property Office (represented by: T. Frydendahl and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Samsøe & Samsøe Holding A/S (Copenhagen, Denmark) (represented by: C. Järdorf, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 15 April 2020 (Case R 1375/2019-4) relating to opposition proceedings between Samsøe & Samsøe Holding and Cole Haan.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cole Haan LLC to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO);
3. Orders Samsøe & Samsøe Holding A/S to bear its own costs.

⁽¹⁾ OJ C 271, 17.8.2020.

Judgment of the General Court of 14 July 2021 — Guerlain v EUIPO (Shape of an oblong, tapered and cylindrical lipstick)

(Case T-488/20) ⁽¹⁾

(EU trade mark — Application for registration of a three-dimensional EU trade mark — Shape of an oblong, tapered and cylindrical lipstick — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)

(2021/C 349/50)

Language of the case: French

Parties

Applicant: Guerlain (Paris, France) (represented by: T. de Haan, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Pétrequin, A. Folliard-Monguiral and V. Ruzek, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 2 June 2020 (Case R 2292/2019-1), relating to an application for registration of a three-dimensional sign consisting in the shape of an oblong, tapered and cylindrical lipstick as an EU trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 June 2020 (Case R 2292/2019-1);
2. Orders EUIPO to pay the costs, including the costs necessarily incurred by Guerlain for the purposes of the proceedings before the Board of Appeal of EUIPO.

⁽¹⁾ OJ C 320, 28.9.2020.