

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders TrekStor Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Orders MSI Technology GmbH to bear its own costs.

⁽¹⁾ OJ C 39, 8.2.2014.

Judgment of the General Court of 23 October 2015 — Trekstor v OHIM (SmartTV Station)

(Case T-649/13) ⁽¹⁾

(Community trade mark — Application for Community word mark SmartTV Station — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Article 7(3) of Regulation No 207/2009)

(2015/C 414/34)

Language of the case: German

Parties

Applicant: TrekStor Ltd (Hong Kong, China) (represented by: O. Spieker and M. Alber, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially M. Fischer, then G. Schneider and A. Schifko, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 1 October 2013 (Case R 128/2013-4), concerning an application for registration of the word sign SmartTV Station as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders TrekStor Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

⁽¹⁾ OJ C 39, 8.2.2014.

Judgment of the General Court of 23 October 2015 — Vimeo v OHIM — PT Comunicações (VIMEO)

(Case T-96/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark VIMEO — Earlier Community figurative mark meo — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — No coexistence of the marks — Likelihood of confusion)

(2015/C 414/35)

Language of the case: English

Parties

Applicant: Vimeo LLC (New York, New York, United States) (represented by: A. Poulter and M. MacDonald, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: P. Bullock and N. Bambara, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: PT Comunicações, SA (Lisbon, Portugal)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 27 November 2013 (Case R 1092/2013-2), relating to opposition proceedings between PT Comunicações, SA and Vimeo LLC.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Vimeo LLC to pay the costs.

⁽¹⁾ OJ C 135, 5.5.2014.

Judgment of the General Court of 22 October 2015 — Council v Simpson

(Case T-130/14) ⁽¹⁾

(Appeals — Civil service — Officials — Advancement in grade — Classification in grade — Decision not to award the person concerned grade AD 9 after he had passed a grade AD 9 open competition — Distortion of the evidence)

(2015/C 414/36)

Language of the case: English

Parties

Appellant: Council of the European Union (represented initially by M. Bauer and A. Bisch, and subsequently by M. Bauer and E. Rebasti, acting as Agents)

Other party to the proceedings: Erik Simpson (Brussels, Belgium) (represented by: M. Velardo, lawyer)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (First Chamber) of 12 December 2013 in *Simpson v Council* (F-142/11, ECR-SC, EU:F:2013:201), and seeking to have that judgment set aside in part.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 12 December 2013 in *Simpson v Council* (F-142/11, ECR, EU:F:2013:201), in so far as the Civil Service Tribunal annulled the decision by which the Council of the European Union refused the request of Mr Erik Simpson which sought an upgrade to grade AD 9 on the ground that he had passed Competition EPSO/AD/113/07 and in so far as it ordered the Council to pay all the costs (paragraphs 1 and 3 of the operative part of that judgment);