

Other party to the proceedings: Commission (represented initially by: G. Gattinara and C. Berardis-Kayser, and subsequently by: G. Gattinara and L. Radu Bouyon, acting as Agents)

Re:

Appeal lodged against the order of the European Union Civil Service Tribunal (Third Chamber) of 7 April 2016, *Spadafora v Commission* (F-44/15, EU:F:2016:69), seeking to have that order set aside.

Operative part of the judgment

The Court:

1. Sets aside the order of the European Union Civil Service Tribunal (Third Chamber) of 7 April 2016, *Spadafora v Commission* (F-44/15), with the exception of the dismissal as manifestly inadmissible of the application for a declaration that, by virtue of the annulment of the decision of 30 June 2014, by which the Director General of the European Anti-Fraud Office appointed Ms D to the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate and of Decision Ares(2015) 43686 of 5 January 2015 of Ms K. Georgieva, Vice-President of the European Commission, rejecting the applicant's claim (R/994/14), the selection procedure was vitiated by illegality from the moment that the illegality occurred;
2. Dismisses the remainder of the appeal;
3. Annuls the decision of 30 June 2014, by which the Director General of the European Anti-Fraud Office appointed Ms D to the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate;
4. Annuls Decision Ares(2015) 43686 of 5 January 2015 of Ms K. Georgieva, Vice-President of the European Commission, rejecting the applicant's claim (R/994/14);
5. Dismisses the action at first instance insofar as Mr Sergio Spadafora seeks compensation for the material loss resulting from the loss of chance to be selected for the post of Head of the Legal Advice Unit of OLAF's Investigation Support Directorate;
6. Orders the Commission to pay the costs of the appeal proceedings and those of the proceedings at first instance.

⁽¹⁾ OJ C 251, 11.7.2016.

Judgment of the General Court of 7 December 2017 — Colgate-Palmolive v EUIPO (360°)

(Case T-332/16) ⁽¹⁾

(EU trade mark — Application for the EU word mark 360° — Absolute grounds for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001))

(2018/C 032/36)

Language of the case: English

Parties

Applicant: Colgate-Palmolive Co. (New York, New York, United States) (represented by: M. Zintler and A. Stolz, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2016 (Case R 2288/2015-4), concerning an application for registration of the word sign 360° as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders Colgate-Palmolive Co. to pay the costs.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 7 December 2017 — Colgate-Palmolive v EUIPO (360°)

(Case T-333/16) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark 360° — Absolute grounds for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001))

(2018/C 032/37)

Language of the case: English

Parties

Applicant: Colgate-Palmolive Co. (New York, New York, United States) (represented by: M. Zintler and A. Stolz, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2016 (Case R 2287/2015-4), concerning an application for registration of the figurative sign 360° as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Colgate-Palmolive Co. to pay the costs.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 7 December 2017 — sheepworld v EUIPO (Alles wird gut)

(Case T-622/16) ⁽¹⁾

(EU trade mark — Application for the EU word mark Alles wird gut — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 032/38)

Language of the case: German

Parties

Applicant: sheepworld AG (Ursensollen, Germany) (represented by: S. von Rüden, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 16 June 2016 (Case R 212/2016-4) concerning an application for registration of the word sign Alles wird gut as an EU trade mark.