

**Judgment of the General Court of 7 June 2018 — OW v EASA****(Case T-597/16) <sup>(1)</sup>*****(Civil service — Members of the temporary staff — Assignment in the interest of the service — Transfer to a new post — Manifest error of assessment — Obligation to state reasons — Right to a fair hearing — Misuse of powers)***

(2018/C 259/42)

*Language of the case: English***Parties***Applicant:* OW (represented by: S. Rodrigues and C. Bernard-Glanz, lawyers)*Defendant:* European Aviation Safety Agency (represented by: initially F. Manuhutu and A. Haug, and subsequently by A. Haug, acting as Agents, and by D. Waelbroeck and A. Duron, lawyers)**Re:**

Application under Article 270 TFEU for annulment of Decision 2015/155/ED dated 20 July 2015, by which the Executive Director of EASA assigned the applicant to a new post.

**Operative part of the judgment***The Court:*

1. *Dismisses the action;*
2. *Orders OW to pay the costs.*

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<sup>(1)</sup> OJ C 296, 16.8.2016 (case initially registered before the European Union Civil Service Tribunal under Case No F-27/16 and transferred to the General Court of the European Union on 1.9.2016).

**Judgment of the General Court of 7 June 2018 — Sipral World v EUIPO — La Dolfina (DOLFINA)****(Case T-882/16) <sup>(1)</sup>*****(EU trade mark — Revocation proceedings — EU word mark DOLFINA — No genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009 (now Article 58(1)(a) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 75 of Regulation No 207/2009 (now Article 94 of Regulation 2017/1001))***

(2018/C 259/43)

*Language of the case: English***Parties***Applicant:* Sipral World, SL (Barcelona, Spain) (represented by: R. Almaraz Palmero and A. Ruo, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas and D. Walicka, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* La Dolfina, SA (Buenos Aires, Argentina) (represented by: J. Carbonell Callicó, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 September 2016 (Case R 1897/2015-2), relating to revocation proceedings between La Dolfina and Sipral World.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Sipral World, SL, to pay the costs.

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<sup>(1)</sup> OJ C 46, 13.2.2017.

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**Judgment of the General Court of 7 June 2018 — Schmid v EUIPO — Landeskammer für Land- und Forstwirtschaft in Steiermark (Steirisches Kürbiskernöl)**

(Case T-72/17) <sup>(1)</sup>

(EU trade mark — Revocation proceedings — International registration designating the European Union — Figurative mark Steirisches Kürbiskernöl — Protected geographical indication — Article 15, Article 51(1)(a) and Article 55(1) of Regulation (EC) No 207/2009 (now Article 18, Article 58(1)(a) and Article 62(1) of Regulation (EU) 2017/1001) — Genuine use of the mark — Use as a trade mark)

(2018/C 259/44)

Language of the case: German

**Parties**

*Applicant:* Gabriele Schmid (Halbenrain, Austria) (represented by: B. Kuchar, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: D. Hanf, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Landeskammer für Land- und Forstwirtschaft in Steiermark (Graz, Austria) (represented by: I. Hödl and S. Schoeller, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 7 December 2016 (Case R 1768/2015-4), relating to revocation proceedings between Ms Schmid and Landeskammer für Land- und Forstwirtschaft in Steiermark.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 7 December 2016 (Case R 1768/2015-4);
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and also to pay the costs incurred by Ms Gabriele Schmid;
4. Orders Landeskammer für Land- und Forstwirtschaft in Steiermark to bear its own costs.

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<sup>(1)</sup> OJ C 104, 3.4.2017.