

**Judgment of the General Court of 12 December 2018 — France v Commission**(Case T-609/17) <sup>(1)</sup>**(EAGF — Expenditure excluded from financing — Expenditure incurred by France — Export refunds on poultry meat — Flat-rate financial correction — Regulations (EC) No 1290/2005 and (EU) No 1306/2013 — Sound, fair and merchantable quality — Checks — Proportionality)**

(2019/C 82/60)

*Language of the case: French***Parties***Applicant:* French Republic (represented by: F. Alabrune, D. Colas, B. Fodda and E. de Moustier, acting as Agents)*Defendant:* European Commission (represented by: A. Lewis and D. Bianchi, acting as Agents)**Re:**

Action under Article 263 TFEU for annulment in part of Commission Implementing Decision (EU) 2017/1144 of 26 June 2017 excluding from European Union financing certain expenditure incurred by the Member States under the European Agricultural Guarantee Fund (EAGF) and under the European Agricultural Fund for Rural Development (EAFRD) (OJ 2017 L 165, p. 37), in so far as it excludes payments made by the French Republic under the EAGF in the amount of EUR 120 901 216,61.

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

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

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<sup>(1)</sup> OJ C 382, 13.11.2017.

**Judgment of the General Court of 13 December 2018 — UP v Commission**(Case T-706/17) <sup>(1)</sup>**(Civil service — Officials — Serious illness — Application for part-time work on medical grounds — Rejection of the application — Principle of non-discrimination on grounds of disability — Right to be heard — Principle of sound administration — Duty of care — Liability)**

(2019/C 82/61)

*Language of the case: French***Parties***Applicant:* UP (represented by: M. Casado Garcia-Hirschfeld, lawyer)*Defendant:* European Commission (represented by: T. Bohr and B. Mongin, acting as Agents)**Re:**

Application based on Article 270 TFEU and seeking, first, annulment of the Commission Decision of 26 April 2017 refusing to grant the applicant part-time work on medical grounds and, secondly, compensation for the material and non-material harm allegedly suffered by the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders UP to bear his own costs as well as those incurred by the European Commission.

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<sup>(1)</sup> OJ C 5, 8.1.2018.

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**Judgment of the General Court of 12 December 2018 — Bischoff v EUIPO — Miroglio Fashion (CARACTÈRE)**

(Case T-743/17) <sup>(1)</sup>

**(EU trade mark — Invalidity proceedings — EU word mark CARACTÈRE — Absolute grounds for refusal — No descriptive character — Distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001))**

(2019/C 82/62)

Language of the case: French

**Parties**

*Applicant:* Bischoff GmbH (Muggensturm, Germany) (represented by: D. Régnier, lawyer)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Miroglio Fashion Srl (Alba, Italy) (represented by: O. Vanner, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 20 July 2017 (Case R 328/2016-1), relating to invalidity proceedings between Bischoff and Miroglio Fashion.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Bischoff GmbH to pay the costs.

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<sup>(1)</sup> OJ C 13, 15.1.2018.

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**Judgment of the General Court of 12 December 2018 — Vitromed v EUIPO — Vitromed Healthcare (VITROMED Germany)**

(Case T-821/17) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for EU figurative mark VITROMED Germany — Earlier EU word mark Vitromed — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))**

(2019/C 82/63)

Language of the case: German

**Parties**

*Applicant:* Vitromed GmbH (Jena, Germany) (represented by: M. Linß, lawyer)