

Intervener in support of the defendant: Kemira Oyj (Helsinki, Finland), Grace Silica GmbH (Düren, Germany) (represented by: J.-P. Montfort and T. Delille, lawyers)

Re:

Application under Article 263 TFEU seeking the annulment of the decision of the Board of Appeal of ECHA of 17 December 2019 annulling three decisions of ECHA of 21 December 2017 requesting the registrants concerned to carry out new tests in the context of the evaluation of aluminium chloride, aluminium chloride, basic and aluminium sulphate (joined cases A-003-2018, A-004-2018 and A-005-2018).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the French Republic to bear its own costs and to pay those incurred by the European Chemicals Agency (ECHA), Kemira Oyj and Grace Silica GmbH;
3. Orders the Federal Republic of Germany to bear its own costs.

⁽¹⁾ OJ C 191, 8.6.2020.

Judgment of the General Court of 15 September 2021 — Residencial Palladium v EUIPO — Palladium Gestión (PALLADIUM HOTELS & RESORTS)

(Case T-207/20) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark PALLADIUM HOTELS & RESORTS — Admissibility criteria for an application for a declaration of invalidity — Article 53(4) of Regulation (EC) No 207/2009 (now Article 60(4) of Regulation (EU) 2017/1001) — Article 56(3) of Regulation No 207/2009 (now Article 63(3) of Regulation 2017/1001))

(2021/C 452/38)

Language of the case: Spanish

Parties

Applicant: Residencial Palladium, SL (Ibiza, Spain) (represented by: D. Solana Giménez, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Palladium Gestión, SL (Ibiza) (represented by: J. Rojo García-Lajara, lawyer), authorised to replace Fiesta Hotels & Resorts, SL

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 12 February 2020 (Case R 231/2019-4), relating to invalidity proceedings between Residencial Palladium and Fiesta Hotels & Resorts.

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 12 February 2020 (Case R 231/2019-4);
2. Dismisses the action as to the remainder;
3. Orders EUIPO to bear its own costs and to pay those incurred by Residencial Palladium, SL;

4. Orders Palladium Gestión to bear its own costs.

⁽¹⁾ OJ C 201, 15.6.2020.

Judgment of the General Court of 15 September 2021 — Arnautakis and Others v Parliament

(Case T-240/20 to T-245/20) ⁽¹⁾

(Law governing the institutions — Rules governing the payment of expenses and allowances to Members of the European Parliament — Amendment of the voluntary additional pension scheme — Refusal to grant a voluntary additional pension — Plea of illegality — Competence of the Bureau of the Parliament — Rights acquired and future entitlements — Proportionality — Equal treatment — Legal certainty)

(2021/C 452/39)

Language of the case: French

Parties

Applicants: Stavros Arnautakis (Heraklion, Greece) and the five other applicants whose names appear in the annex to the judgment (represented by: A. Schmitt and A. Grosjean, lawyers)

Defendants: European Parliament (represented by: N. Görlitz, M. Ecker and S. Seyr, acting as Agents)

Re:

Application under Article 263 TFEU seeking annulment of the Parliament's decision rejecting the application made by the applicants to be granted a voluntary additional pension in accordance with the Decision of the Bureau of the European Parliament of 10 December 2018 amending the Implementing Measures for the Statute for Members of the European Parliament (OJ 2018 C 466, p. 8) on the ground that they have not reached the required age of 65.

Operative part of the judgment

The Court:

1. Joins Cases T-240/20 to T-245/20 for the purpose of the judgment;
2. Dismisses the actions;
3. Orders Mr Stavros Arnautakis and the other applicants whose names appear in the annex to pay the costs.

⁽¹⁾ OJ C 215, 29.6.2020.

Judgment of the General Court of 15 September 2021 — MHCS v EUIPO — Lidl Stiftung (Shade of the colour orange)

(Case T-274/20) ⁽¹⁾

(EU trade mark — Invalidity proceedings — Figurative EU mark depicting a shade of the colour orange — Absolute ground for refusal — Article 7(1)(b) of Regulation (EC) No 40/94 (now Article 7(1)(b) of Regulation (EU) 2017/1001) — Examination of the facts of the EUIPO's own motion — Article 95(1) of Regulation 2017/1001 — Nature of the mark — Colour mark — Right to be heard — Article 94 of Regulation 2017/1001)

(2021/C 452/40)

Language of the case: English

Parties

Applicant: MHCS (Épernay, France) (represented by: O. Vrins and B. Raus, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Söder and V. Ruzek, acting as Agents)