

Judgment of the General Court of 10 October 2019 — Colombani v EEAS(Case T-372/18) ⁽¹⁾

(Civil service — Officials — Promotion — 2017 promotion year — Decision not to promote the applicant to Grade AD 14 — Article 43 and Article 45(1) of the Staff Regulations — Consideration of comparative merits — Taking into account staff reports for the purpose of promotion — Purely literal assessments — No method enabling staff reports to be compared for the purpose of promotion)

(2019/C 423/46)

Language of the case: French

Parties

Applicant: Jean-Marc Colombani (Brussels, Belgium) (represented by: N. de Montigny, lawyer)

Defendant: European External Action Service (represented by: S. Marquardt and R. Spac, acting as Agents, and M. Troncoso Ferrer, F.-M. Hislaire and S. Moya Izquierdo, lawyers)

Re:

Application under Article 270 TFEU for annulment of the decision of the EEAS of 9 November 2017 (ADMIN(2017) 21) not to promote the applicant to Grade AD 14 in the 2017 promotion exercise.

Operative part of the judgment

The Court:

1. Annuls the decision of the European External Action Service (EEAS) of 9 November 2017 (ADMIN(2017) 21) not to promote Mr Jean-Marc Colombani to Grade AD 14 in the 2017 promotion exercise;
2. Orders the EEAS to pay the costs.

⁽¹⁾ OJ C 319, 10.9.2018.

Judgment of the General Court of 24 September 2019 — Zhadanov v EUIPO (PDF Expert)(Case T-404/18) ⁽¹⁾

(EU trade mark — Application for the EU word mark PDF Expert — Absolute ground for refusal — No distinctive character acquired through use — Article 7(3) of Regulation (EU) 2017/1001)

(2019/C 423/47)

Language of the case: English

Parties

Applicant: Igor Zhadanov (Odessa, Ukraine) (represented by: P. Olson, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Bonne and H. O'Neill, acting as Agents)

Re:

Action against the decision of the Second Board of Appeal of EUIPO of 18 April 2018 (Case R 1813/2017-2), relating to an application for registration of the sign PDF Expert as an EU trade mark.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 294, 20.8.2018.

Judgment of the General Court of 10 October 2019 – McDreams Hotel GmbH v EUIPO – McDonald’s International Property (mc dreams hotels Träumen zum kleinen Preis!)

(Case T-428/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark mc dreams hotels Träumen zum kleinen Preis! — Earlier EU word mark McDONALD’S — Article 8(5) of Regulation (EU) 2017/1001 — Family of marks — Taking unfair advantage of the distinctive character or repute of the earlier mark)

(2019/C 423/48)

Language of the case: English

Parties

Applicant: McDreams Hotel GmbH (Feldkirchen, Germany) (represented by: S. Schenk and S. Kleinmanns, lawyers)

Defendant: European Union Intellectual Property Office (represented by: V. Ruzek and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: McDonald’s International Property Co. Ltd (Wilmington, Delaware, United States) (represented by: C. Eckhardt and K. Thanbichler-Brandl, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 18 April 2018 (Case R 972/2017-2), relating to opposition proceedings between McDonald’s International Property Co. and McDreams Hotel.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders McDreams Hotel GmbH to bear its own costs and pay those of the European Union Intellectual Property Office (EUIPO) and the intervener.*

⁽¹⁾ OJ C 319, 10.9.2018.