

**Judgment of the General Court of 19 September 2019 — Unifarco v EUIPO — GD
Tecnologie Interdisciplinari Farmaceutiche (TRICOPID)**

(Case T-359/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark TRICOPID — Earlier national figurative mark TRICODIN — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 399/58)

Language of the case: Italian

Parties

Applicant: Unifarco SpA (Santa Giustina, Italy) (represented by: A. Perani and J. Graffer, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: GD Tecnologie Interdisciplinari Farmaceutiche Srl (Rome, Italy) (represented by: E. Pepe and M. Farinola, lawyers)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 13 March 2018 (Case R 2150/2017-5), relating to opposition proceedings between GD Tecnologie Interdisciplinari Farmaceutiche and Unifarco.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Unifarco SpA to pay the costs, including those incurred by GD Tecnologie Interdisciplinari Farmaceutiche Srl before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).*

⁽¹⁾ OJ C 276, 6.8.2018.

Judgment of the General Court of 19 September 2019 — WI v Commission

(Case T-379/18) ⁽¹⁾

(Civil service — Pensions — Survivor's pension — Registered non-marital partnership — Refusal to grant — Article 1(2)(c)(iv) of Annex VII of the Staff Regulation — Access to civil marriage — Principle of sound administration — Duty to have regard for the welfare of officials — Exceptional Circumstances)

(2019/C 399/59)

Language of the case: French

Parties

Applicant: WI (represented by: T. Bontinck and A. Guillerme, lawyers)

Defendant: European Commission (represented by: B. Mongin and L. Radu Bouyon, acting as Agents)

Re:

Action under Article 270 TFUE for the annulment of the decision of the Commission of 16 August 2017 not to grant a survivor's pension to the applicant, of the decision of 13 September 2017 in so far as it refused to grant a survivor's pension to the applicant and of the decision of 9 March 2018 rejecting the complaint lodged by the applicant.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders WI to pay the costs of the proceedings.*

⁽¹⁾ OJ C 341, 24.9.2018.

Judgment of the General Court of 17 September 2019 — TrekStor v EUIPO (Theatre)

(Case T-399/18) ⁽¹⁾

(EU trade mark — Application for EU word mark Theatre — Absolute ground for refusal — Descriptive character — No distinctive character — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001)

(2019/C 399/60)

Language of the case: German

Parties

Applicant: TrekStor Ltd (Hong-Kong, China) (represented by: O. Spieker, A. Schönfleisch, M. Alber and N. Willich, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 26 April 2018 (Case R 2238/2017-2) relating to an application for registration of the word sign Theatre as an EU trade mark.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 294, 20.8.2018.