

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.