

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Datax sp. z o.o. to pay the costs, including those relating to the interlocutory proceedings.

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<sup>(1)</sup> OJ C 297, 7.9.2020.

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**Judgment of the General Court of 21 December 2021 — Magic Box Int. Toys v EUIPO — KMA Concepts (SUPERZINGS)**

(Case T-549/20) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU word mark SUPERZINGS — Earlier international figurative mark ZiNG — 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))*

(2022/C 95/40)

Language of the case: Spanish

**Parties**

*Applicant:* Magic Box Int. Toys SLU (Sant Cugat del Vallés, Spain) (represented by: J. L. Rivas Zurdo and E. López Leiva, lawyers)

*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:* KMA Concepts Ltd. (Mahé, Seychelles) (represented by: C. Duch Fonoll and I. Osinaga Lozano, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 29 June 2020 (Case R 2511/2019-4), relating to invalidity proceedings between KMA Concepts and Magic Box Int. Toys.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Magic Box Int. Toys SLU to bear its own costs and to pay the costs incurred by the European Union Intellectual Property Office (EUIPO) and by KMA Concepts Ltd.

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<sup>(1)</sup> OJ C 348, 19.10.2020.

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**Judgment of the General Court of 21 December 2021 — MO v Council**

(Case T-587/20) <sup>(1)</sup>

*(Civil service — Officials — Compulsory reassignment — 2019 Appraisal exercise — Right to be heard — Liability)*

(2022/C 95/41)

Language of the case: French

**Parties**

*Applicant:* MO (represented by: A. Guillerme, lawyer)

*Defendant:* Council of the European Union (represented by: M. Bauer, M. Alver and K. Kouri, acting as Agents)

**Re:**

Application under Article 270 TFEU for, first, annulment of the decision of the Council of 19 November 2019 to reassign the applicant to the [confidential] unit and of the applicant's appraisal report for 2019 and, second, compensation in respect of the material and non-material damage the applicant allegedly suffered.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders MO to the costs.

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<sup>(1)</sup> OJ C 433, 14.12.2020.

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**Judgment of the General Court of 21 December 2021 — Skechers USA v EUIPO (ARCH FIT)**

(Case T-598/20) <sup>(1)</sup>

*(EU trade mark — Application for the EU word mark ARCH FIT — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001)*

(2022/C 95/42)

*Language of the case: English*

**Parties**

*Applicant:* Skechers USA, Inc. II (Manhattan Beach, California, United States) (represented by: T. Holman and A. Reid, Solicitors, and J. Bogatz and Y. Stone, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: S. Scardocchia and V. Ruzek, acting as Agents)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 29 July 2020 (Case R 2631/2019-1), relating to an application for registration of the word sign ARCH FIT as an EU trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Skechers USA, Inc. II to pay the costs.

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<sup>(1)</sup> OJ C 390, 16.11.2020.