

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Excellent Brands JMI Ltd (Baar, Switzerland) (represented by: D. Majer, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 29 September 2015 (Case R 2517/2014-5), relating to opposition proceedings between Marcas Costa Brava and Excellent Brands JMI.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Marcas Costa Brava, SL, to pay the costs.

⁽¹⁾ OJ C 48, 8.2.2016.

Judgment of the General Court of 2 February 2017 — Marcas Costa Brava v EUIPO — Excellent Brands JMI (Cremcafé by Julius Meinl)

(Case T-687/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark Cremcafé by Julius Meinl — Earlier EU figurative mark café crem — Relative ground for refusal — Lack of genuine use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009)

(2017/C 078/36)

Language of the case: English

Parties

Applicant: Marcas Costa Brava, SL (Sils, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Excellent Brands JMI Ltd (Baar, Switzerland) (represented by: D. Majer, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 29 September 2015 (Case R 2757/2014-5), relating to opposition proceedings between Marcas Costa Brava and Excellent Brands JMI.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Marcas Costa Brava, SL, to pay the costs.

⁽¹⁾ OJ C 48, 8.2.2016.