

2. Orders Granette & Starorežná Distilleries .a.s to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Bacardi Co. Ltd.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the General Court of 13 May 2015 — easyGroup IP Licensing v OHIM — Tui (easyAir-tours)

(Case T-608/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark easyAir-tours — Earlier national figurative mark airtours Ticket Factory — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — No similarity between the signs — No likelihood of confusion — Power to alter decisions — Article 65(3) of Regulation No 207/2009)

(2015/C 213/54)

Language of the case: English

Parties

Applicant: easyGroup IP Licensing Ltd (London, United Kingdom) (represented by: J. Day and K. Osgerby, Solicitors)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Tui AG (Hanover, Germany) (represented by: D. von Schultz, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 September 2013 (Case R 1029/2012-1), relating to opposition proceedings between Tui AG and easyGroup IP Licensing Ltd.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 5 September 2013 (Case R 1029/2012-1);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by easyGroup IP Licensing Ltd;
4. Orders Tui AG to bear its own costs.

⁽¹⁾ OJ C 24, 25.1.2014.