

**Judgment of the General Court of 6 October 2015 — Monster Energy v OHIM — Balaguer
(icexpresso + energy coffee)**

(Case T-61/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the figurative Community trade mark icexpresso + energy coffee — Earlier Community word marks X-PRESSO MONSTER, HAMMER M X-PRESSO MONSTER ESPRESSO + ENERGY and MIDNIGHT M X-PRESSO MONSTER ESPRESSO + ENERGY — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 398/52)

Language of the case: English

Parties

Applicant: Monster Energy Company (Corona, California, United States) (represented by: P. Brownlow, Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM: Luis Yus Balaguer (Movera, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 November 2013 (Case R 821/2013-2), relating to opposition proceedings between Monster Energy Company and Mr Luis Yus Balaguer.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Monster Energy Company to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

⁽¹⁾ OJ C 129, 28.4.2014.

**Judgment of the General Court of 8 October 2015 — Benediktinerabtei St. Bonifaz v OHIM —
Andexhser Molkerei Scheitz (Genuß für Leib & Seele KLOSTER Andechs SEIT 1455)**

(Case T-78/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark Genuß für Leib & Seele KLOSTER Andechs SEIT 1455 — Earlier Community figurative mark SEIT 1908 ANDECHSER NATUR and earlier national figurative mark ANDECHSER NATUR — Relative ground of refusal — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 398/53)

Language of the case: German

Parties

Applicant: Benediktinerabtei St. Bonifaz Körperschaft des öffentlichen Rechts (Munich, Germany) (represented by: G. Württenberger and R. Kunze, lawyers)