

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Holistic Innovation Institute SLU to pay the costs.

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<sup>(1)</sup> OJ C 292, 1.9.2014.

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**Judgment of the General Court of 12 May 2016 — Zuffa v EUIPO (ULTIMATE FIGHTING CHAMPIONSHIP)**

(Case T-590/14) <sup>(1)</sup>

**(EU trade mark — Application for the EU word mark ULTIMATE FIGHTING CHAMPIONSHIP — Absolute grounds for refusal — Lack of distinctive character — Descriptiveness — Distinctive character acquired through use — Obligation to state reasons — Relevant public — Article 7(1)(b) and (c), (2) and (3) and Article 75 of Regulation (EC) No 207/2009)**

(2016/C 232/13)

Language of the case: English

**Parties**

**Applicant:** Zuffa, LLC (Las Vegas, Nevada, United States) (represented by: S. Malynicz, Barrister, and K. Gilbert and C. Balme, Solicitors)

**Defendant:** European Union Intellectual Property Office (EUIPO) (represented by: P. Bullock, acting as Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 19 May 2014 (Case R 1425/2013-2), regarding an application for registration of the sign ULTIMATE FIGHTING CHAMPIONSHIP as an EU trade mark.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 19 May 2014 (Case R 1425/2013-2) in so far as it dismisses the appeal of Zuffa, LLC as regards the following goods and services:
  - ‘pre-recorded audio cassettes; phonograph records; compact discs; pre-recorded video cassettes; laser video discs; digital video discs; digital versatile discs; electronic storage media; USB flashdrives; CD-ROM discs all featuring mixed martial arts competitions, events and programs; motion picture films in the field of mixed martial arts’ in Class 9;
  - ‘provision of information relating to mixed martial arts via communication and computer networks; providing news and information in the fields of sports, fitness and mixed martial arts via communication and computer networks’ in Class 41;

2. Dismisses the present action as to the remainder;
3. Orders Zuffa, LLC and EUIPO to bear their own costs.

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<sup>(1)</sup> OJ C 351, 6.10.2014.

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**Judgment of the General Court of 12 May 2016 — Red Lemon v EUIPO — Lidl Stiftung (ABTRONIC)**  
(Case T-643/14) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for the EU word mark ABTRONIC — Earlier EU word mark TRONIC — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Minimal inherent distinctiveness of the earlier mark — Likelihood of confusion)**

(2016/C 232/14)

Language of the case: German

**Parties**

*Applicant:* Red Lemon Inc. (Hong Kong, China) (represented by: T. Wieland and S. Müller, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: D. Walicka, Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Lidl Stiftung & Co. KG (Neckarsulm, Germany)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 15 March 2014 (Case R 1899/2013-1), relating to opposition proceedings between Lidl Stiftung & Co. KG and Red Lemon Inc.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Red Lemon Inc. to pay the costs.

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<sup>(1)</sup> OJ C 380, 27.10.2014.

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**Judgment of the General Court of 12 May 2016 — Trioplast Industrier v Commission**  
(Case T-669/14) <sup>(1)</sup>

**(Competition — Agreements, decisions and concerted practices — Market in industrial plastic bags — Action for annulment — Challengeable act — Admissibility — Action for damages — Default interest — Concept of a debt which is certain, of a fixed amount and due — Proportionality — Legal certainty — Principle that penalties must be specific to the individual and to the offence — Lack of legal basis — Article 266 TFEU — Causal link)**

(2016/C 232/15)

Language of the case: English

**Parties**

*Applicant:* Trioplast Industrier AB (Smålandsstenar, Sweden) (represented by: T. Pettersson and A. Johansson, lawyers)

*Defendant:* European Commission (represented by: V. Bottka, L. Parpala and P. Rossi, acting as Agents)