

2. Orders Ms Jaana Pohjanmäki to bear her own costs and to pay the costs incurred by the Council of the European Union in the appeal.

<sup>(1)</sup> OJ C 337, 12.10.2015.

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**Judgment of the General Court of 15 September 2016 — Trinity Haircare v EUIPO — Advance Magazine Publishers (VOGUE)**

(Case T-453/15) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU figurative trade mark VOGUE — Absolute ground for refusal — No descriptive character — Distinctiveness — Article 52(1)(a), read in conjunction with Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Bad faith — Article 52(1)(b) of Regulation No 207/2009)*

(2016/C 392/50)

Language of the case: English

**Parties**

*Applicant:* Trinity Haircare AG (Herisau, Switzerland) (represented by: J. Kroher and K. Bach, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: J. Lewis and J. Crespo Carrillo, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court:* Advance Magazine Publishers, Inc. (New York, New York, United States) (represented by: D. Ivison, Barrister)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 27 May 2015 (Case R 2426/2014-4) relating to invalidity proceedings between Advance Magazine Publishers and Trinity Haircare.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Trinity Haircare AG to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Advance Magazine Publishers, Inc.

<sup>(1)</sup> OJ C 320, 28.9.2015.

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**Judgment of the General Court of 14 September 2016 — Lotte v EUIPO — Kuchenmeister (KOALA LAND)**

(Case T-479/15) <sup>(1)</sup>

*(European Union trade mark — Opposition proceedings — Application for EU word mark KOALA LAND — Prior national word mark KOALA — Rejection in part of the application for registration — Likelihood of confusion — Genuine use — Article 8(1)(b) of Regulation (EC) No 207/2009 — Article 42 (2) and (3) of Regulation No 207/2009)*

(2016/C 392/51)

Language of the case: German

**Parties**

*Applicant:* Lotte Co. Ltd (Tokyo, Japan) (represented by: M. Knitter and S. Schicker, lawyers)