

Judgment of the General Court of 27 September 2016 — Satkirit Holdings v EUIPO — Advanced Mailing Solutions (luvoworld)

(Case T-450/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark luvoworld — Earlier EU work mark luvo — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 410/22)

Language of the case: English

Parties

Applicant: Satkirit Holdings Ltd (Douglas, Isle of Man) (represented by: M. Vanhegan, Barrister)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Advanced Mailing Solutions Ltd (East Kilbride, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 21 May 2015 (Case R 1480/2014-2), relating to opposition proceedings between Advanced Mailing Solutions and Satkirit Holdings.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Satkirit Holdings Ltd to pay the costs.

⁽¹⁾ OJ C 320, 28.9.2015.

Judgment of the General Court of 28 September 2016 — European Food v EUIPO — Société des produits Nestlé (FITNESS)

(Case T-476/15) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark FITNESS — Absolute grounds for refusal — No distinctive character — Descriptive character — Article 7(1)(b) and (c), Article 52(1)(a) and Article 76 of Regulation (EC) No 207/2009 — Rule 37(b)(iv) and Rule 50(1) of Regulation (EC) No 2868/95 — Production of evidence for the first time before the Board of Appeal)

(2016/C 410/23)

Language of the case: English

Parties

Applicant: European Food SA (Drăgănești, Romania) (represented by: I. Speciac, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Société des produits Nestlé SA (Vevey, Switzerland) (represented by: A. Jaeger-Lenz, A. Lambrecht and S. Cobet-Nüse, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 June 2015 (Case R 2542/2013-4), relating to invalidity proceedings between European Food and Société des produits Nestlé.