

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Foodcare sp. z o.o. to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Mr Dariusz Michalczewski.

⁽¹⁾ OJ C 328, 5.10.2015.

Judgment of the General Court of 28 September 2016 — Kozmetika Afrodita v EUIPO — Núñez Martín and Machado Montesinos (KOZMeTIKA AFRODITA)

(Case T-574/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark KOZMeTIKA AFRODITA — Earlier national word mark EXOTIC AFRODITA MYSTIC MUSK OIL and earlier national figurative mark AFRODITA MYSTIC MUSK OIL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 419/56)

Language of the case: Slovenian

Parties

Applicant: Kozmetika Afrodita d.o.o. (Rogaška Slatina, Slovenia) (represented by: B. Grešak, lawyer)

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

Other parties to the proceedings before the Board of Appeal of EUIPO: Pedro Núñez Martín (Madrid, Spain) and Carmen Guillermina Machado Montesinos (Madrid)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 28 July 2015 (case R 2577/2014-4) relating to opposition proceedings between, on the one hand, Mr Núñez Martín and Ms Machado Montesinos and, on the other, Kozmetika Afrodita.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kozmetika Afrodita d.o.o. to pay the costs.

⁽¹⁾ OJ C 406, 7.12.2015.

Judgment of the General Court of 28 September 2016 — Kozmetika Afrodita v EUIPO — Núñez Martín and Machado Montesinos (AFRODITA COSMETICS)

(Case T-575/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark AFRODITA COSMETICS — Earlier national word mark EXOTIC AFRODITA MYSTIC MUSK OIL and earlier national figurative mark AFRODITA MYSTIC MUSK OIL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 419/57)

Language of the case: Slovenian

Parties

Applicant: Kozmetika Afrodita d.o.o. (Rogaška Slatina, Slovenia) (represented by: B. Grešak, lawyer)