

Operative part of the judgment

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal (First Chamber) of 18 June 2015, *CX v Commission* (F-5/14, EU:F:2015:61);
2. Refers the case back to a Chamber of the General Court of the European Union other than the Chamber which has ruled on the present appeal;
3. Reserves the costs.

⁽¹⁾ OJ C 371, 9.11.2015.

Judgment of the General Court of 27 October 2016 — Spa Monopole v EUIPO — YTL Hotels & Properties (SPA VILLAGE)

(Case T-625/15) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for the European Union word mark SPA VILLAGE — Earlier Benelux word mark SPA — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009)

(2016/C 462/26)

Language of the case: French

Parties

Applicant: Spa Monopole, compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: E. Cornu and É. De Gryse, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: YTL Hotels & Properties Sdn Bhd (Kuala Lumpur, Malaysia) (represented by: M. Edenborough, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 11 September 2015 (Case R 1954/2013-4) relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA and YTL Hotels & Properties.

Operative part of the judgment

- 1) The decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 11 September 2015 (Case R 1954/2013-4) relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA and YTL Hotels & Properties Sdn Bhd is annulled in so far as it rejects the opposition to registration of the European Union word mark SPA VILLAGE, in respect of 'services consisting of the provision of food and drink; cafés restaurants; cafeterias; snack-bars; self-service restaurants; hotel restaurant services; restaurant services; catering and buffet services; bar services; hotel services' in Class 43 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended.
- 2) EUIPO and YTL Hotels & Properties are ordered to pay the costs.

⁽¹⁾ OJ C 16, 18.1.2016.