

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cryo-Save AG to pay the costs.

⁽¹⁾ OJ C 236, 20.7.2015.

Judgment of the General Court of 22 March 2017 — Windrush Aka v EUIPO — Dammers (The Specials)

(Case T-336/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark The Specials — Genuine use — Article 51(1) (a) of Regulation (EC) No 207/2009 — Consent of the proprietor of the trade mark — Article 15(2) of Regulation No 207/2009)

(2017/C 144/48)

Language of the case: English

Parties

Applicant: Windrush Aka LLP (London, United Kingdom) (represented by: S. Malynicz QC and S. Britton, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Jerry Dammers (London, United Kingdom) (represented by: C. Fehler, Solicitor, H. Cuddigan and B. Brandreth, Barristers).

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 18 March 2015 (Case R 1412/2014-1), relating to revocation proceedings between Windrush Aka and Mr Dammers.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Windrush Aka LLP to pay the costs.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the General Court of 16 March 2017 — Capella v EUIPO — Abus (APUS)

(Case T-473/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark APUS — Earlier national word mark ABUS — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Likelihood of confusion — Successive restrictions of the trade mark application before the Board of Appeal — Article 43(1) of Regulation No 207/2009 — Competence of the Board of Appeal — Article 64(1) of Regulation No 207/2009 — Right to be heard — Article 75, second sentence, of Regulation No 207/2009 — Rule 13(3) of Regulation (EC) No 2868/95)

(2017/C 144/49)

Language of the case: German

Parties

Applicant: Capella EOOD (Sofia, Bulgaria) (represented by: F. Henkel, lawyer)