

Judgment of the General Court of 6 April 2017 — Policolor v EUIPO — CWS-Lackfabrik Conrad W. Schmidt (Policolor)

(Case T-178/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark Policolor — Earlier EU figurative mark ProfiColor — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2017/C 161/37)

Language of the case: English

Parties

Applicant: Policolor SA (Bucharest, Romania) (represented by: M. Comanescu, 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: CWS-Lackfabrik Conrad W. Schmidt GmbH & Co. KG (Düren-Merken, Germany)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 29 January 2016 (Case R 346/2015-1), relating to opposition proceedings between CWS-Lackfabrik Conrad W. Schmidt and Policolor.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Policolor SA to pay the costs.

⁽¹⁾ OJ C 211, 13.6.2016.

Judgment of the General Court of 6 April 2017 — Aldi v EUIPO (ViSAGE)

(Case T-219/16) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark ViSAGE — Absolute grounds for refusal — Descriptiveness — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2017/C 161/38)

Language of the case: German

Parties

Applicant: Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 19 February 2016 (Case R 507/2015-5) concerning an application for registration of the figurative sign ViSAGE as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;