

## GENERAL COURT

**Judgment of the General Court of 10 October 2017 — Klement v OHIM — Bullerjan (Form of an oven)**

(Case T-211/14 RENV) <sup>(1)</sup>

**(European Union trade mark — Revocation proceedings — Three-dimensional EU trade mark — Form of an oven — Genuine use of a mark — Point (a) of the second subparagraph of Article 15(1), and Article 51 (1)(a) of Regulation (EC) No 207/2009 — Nature of use of the mark — Form differing in elements which do not alter the distinctive character)**

(2017/C 402/27)

Language of the case: German

### Parties

*Applicant:* Toni Klement (Dippoldiswalde, Germany) (represented by J. Weiser, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by A. Schiffko and D. Hanf, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Bullerjan GmbH (Isernhagen-Kirchhorst, Germany)

### Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 9 January 2014 (Case R 927/2013-1) relating to revocation proceedings between Mr Klement and Bullerjan

### Operative part of the judgment

*The Court:*

1. *Dismisses the action;*
2. *Orders Mr Toni Klement to bear his own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) before the General Court and the Court of Justice.*

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<sup>(1)</sup> OJ C 245, 28.7.2014.