

**Judgment of the General Court of 30 November 2017 — Toontrack Music v EUIPO (SUPERIOR DRUMMER)**

(Case T-895/16) <sup>(1)</sup>

**(European Union trade mark — Application for EU word mark SUPERIOR DRUMMER — Absolute ground for refusal — Descriptive — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001))**

(2018/C 022/53)

Language of the case: Swedish

**Parties**

*Applicant:* Toontrack Music AB (Umeå, Sweden) (represented by: L.-E. Ström, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 3 October 2016 (Case R 2438/2015-5) concerning the registration of the word mark SUPERIOR DRUMMER as an EU trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Toontrack Music AB to pay the costs.

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<sup>(1)</sup> OJ C 46, 13.2.2017.

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**Judgment of the General Court of 28 November 2017 — Laboratorios Ern v EUIPO — Sharma (NRIM Life Sciences)**

(Case T-909/16) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for EU word mark NRIM Life Sciences — Earlier national word mark RYM — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/2001))**

(2018/C 022/54)

Language of the case: English

**Parties**

*Applicant:* Laboratorios Ern, SA (Barcelona, Spain) (represented by: S. Correa Rodríguez, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: S. Bonne, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Anil K. Sharma (Hillingdon, United Kingdom)

**Re:**

Action for annulment of the decision of the Fifth Board of Appeal of EUIPO of 26 September 2016 (Case R 2376/2015-5), concerning opposition proceedings between Laboratorios Ern and Mr Sharma.