

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Vieta Audio, SA (Barcelona, Spain) (represented by I. Barroso Sánchez-Lafuente, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 12 November 2015 (Case R 2232/2014-5), relating to revocation proceedings between Vieta Audio and Sony Computer Entertainment Europe.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 November 2015 (Case R 2232/2014-5), relating to revocation proceedings between Vieta Audio, SA and Sony Computer Entertainment Europe Ltd;
2. Orders EUIPO to bear its own costs and to pay those incurred by Sony Computer Entertainment Europe;
3. Orders Vieta Audio to bear its own costs.

⁽¹⁾ OJ C 106, 21.3.2016.

Judgment of the General Court of 7 December 2017 — Coca-Cola v EUIPO — Mitico (Master)

(Case T-61/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark Master — Earlier European Union figurative marks Coca-Cola and earlier national figurative mark C — Relative ground for refusal — Unfair advantage taken of the reputation of earlier marks — Evidence relating to the commercial use, outside the European Union, of a sign comprising the mark applied for — Logical inferences — Decision taken following the annulment by the General Court of an earlier decision — Article 8(5) and Article 65(6) of Regulation (EC) No 207/2009 (now Article 8(5) and Article 72(6) of Regulation (EU) 2017/1001))

(2018/C 032/29)

Language of the case: English

Parties

Applicant: The Coca-Cola Company (Atlanta, Georgia, United States) (represented by: S. Malynicz, QC, S. Baran, barrister, D. Stone and A. Dykes, Solicitors)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Modern Industrial & Trading Investment Co. Ltd (Mitico) (Damas, Syria) (represented by: A.-E. Malamis, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 2 December 2015 (Case R 1251/2015-4), relating to opposition proceedings between The Coca-Cola Company and Mitico.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 December 2015 (Case R 1251/2015-4);
2. Orders EUIPO to bear its own costs and to pay those incurred by The Coca-Cola Company, including the costs of the proceedings before the Board of Appeal of EUIPO;
3. Orders Modern Industrial & Trading Investment Co. Ltd (Mitico) to bear its own costs.

⁽¹⁾ OJ C 111, 29.3.2016.

Judgment of the General Court of 6 December 2017 — Tulliallan Burlington v EUIPO — Burlington Fashion (Burlington)

(Case T-120/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark Burlington — Earlier national word marks BURLINGTON and BURLINGTON ARCADE — Earlier EU and national figurative marks BURLINGTON ARCADE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Use in the course of trade of a sign of more than mere local significance — Article 8(4) of Regulation No 207/2009 (now Article 8(4) of Regulation 2017/1001) — Unfair advantage taken of the distinctive character or the repute of the earlier trade marks — Article 8(5) of Regulation No 207/2009 (now Article 8(5) of Regulation 2017/1001))

(2018/C 032/30)

Language of the case: English

Parties

Applicant: Tulliallan Burlington Ltd (St Helier, Jersey) (represented by: A. Norris, Barrister)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Burlington Fashion GmbH (Schmallenberg, Germany) (represented by: A. Parr, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 11 January 2016 (Case R 94/2014-4), relating to opposition proceedings between Tulliallan Burlington and Burlington Fashion.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tulliallan Burlington Ltd to pay the costs.

⁽¹⁾ OJ C 175, 17.5.2016.