

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the Court: Elka Zaharieva (Plovdiv, Bulgaria) (represented by: A. Kostov, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 12 September 2016 (Case R 1143/2015-3), relating to invalidity proceedings between Şölen Çikolata Gıda Sanayi ve Ticaret and Mrs Zaharieva.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 September 2016 (Case R 1143/2015-3);
2. Grants the application for a declaration that the design registered under number 002343244-0002 is invalid;
3. Orders EUIPO to bear its own costs and to pay the costs incurred by Şölen Çikolata Gıda Sanayi ve Ticaret before the General Court and before the Board of Appeal of EUIPO;
4. Orders Mrs Elka Zaharieva to bear her own costs.

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the General Court of 7 February 2018 — Şölen Çikolata Gıda Sanayi ve Ticaret v EUIPO — Zaharieva (Ice cream cornet packaging)

(Case T-794/16) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing an ice cream cornet — Earlier international registration designating Bulgaria — Ground for invalidity — Use in the subsequent design of a distinctive sign the holder of which has the right to prohibit such use — Article 25 (1)(e) of Regulation (EC) No 6/2002 — Obligation to state reasons — Article 62 of Regulation No 6/2002 — Duty of diligence — Article 63(1) of Regulation No 6/2002)

(2018/C 104/47)

Language of the case: English

Parties

Applicant: Şölen Çikolata Gıda Sanayi ve Ticaret AŞ (Şehitkamil Gaziantep, Turkey) (represented by: T. Tsenova, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the Court: Elka Zaharieva (Plovdiv, Bulgaria) (represented by: A. Kostov, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 12 September 2016 (Case R 1144/2015-3), relating to invalidity proceedings between Şölen Çikolata Gıda Sanayi ve Ticaret and Mrs Zaharieva.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 September 2016 (Case R 1144/2015-3);
2. Grants the application for a declaration that the design registered under number 002343244-0001 is invalid;
3. Orders EUIPO to bear its own costs and to pay the costs incurred by Şölen Çikolata Gıda Sanayi ve Ticaret before the General Court and before the Board of Appeal of EUIPO;
4. Orders Mrs Elka Zaharieva to bear her own costs.

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the General Court of 7 February 2018 — ‘Krasnyiy oktyabr’ v Kondyterska korporatsiia ‘Roshen’ (CRABS)

(Case T-795/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark CRABS — Earlier international registration of the figurative mark ПАКОВЫЕ ШЕЙКИ — 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))

(2018/C 104/48)

Language of the case: English

Parties

Applicant: Moscow Confectionery Factory ‘Krasnyiy oktyabr’ OAO (Moscow, Russia) (represented by: O. Spuhler, M. Geitz and J. Stock, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Lukošūtė and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the Court: Dochirnie pidpriemstvo Kondyterska korporatsiia ‘Roshen’ (Kiev, Ukraine) (represented by R. Žaboliėnė and I. Lukauskienė, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 11 August 2016 (Case R 2507/2015-1), relating to opposition proceedings between Moscow Confectionery Factory ‘Krasnyiy oktyabr’ and Dochirnie pidpriemstvo Kondyterska korporatsiia ‘Roshen’.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Moscow Confectionery Factory ‘Krasnyiy oktyabr’ OAO to pay the costs.

⁽¹⁾ OJ C 6, 9.1.2017.