

*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:* Xian Chen (Wenzhou, China)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 8 June 2016 (Case R 675/2015-5), relating to opposition proceedings between Luxottica Group and Mr Chen.

**Operative part of the judgment**

*The Court:*

1. *The decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 8 June 2016 (Case R 675/2015-5), relating to opposition proceedings between Luxottica Group SpA and Xian Chen, is annulled;*
2. *EUIPO is ordered to pay the costs.*

---

<sup>(1)</sup> OJ C 454, 5.12.2016.

---

**Judgment of the General Court of 3 May 2018 — J-M.-E.V. e hijos v EUIPO — Masi (MASSI)**

(Case T-2/17) <sup>(1)</sup>

**(EU trade mark — Invalidity proceedings — Application for registration of the EU word mark MASSI — Earlier national word mark MASI — Article 56(3) of Regulation (EC) No 207/2009 (now Article 63(3) of Regulation (EU) 2017/1001) — Res judicata — Article 53(1)(a) and Article 8(2)(c) of Regulation No 207/2009 (now Article 60(1)(a) and Article 8(2)(c) of Regulation 2017/1001) — Well-known mark within the meaning of Article 6bis of the Paris Convention)**

(2018/C 221/22)

*Language of the case:* English

**Parties**

*Applicant:* J-M.-E.V. e hijos, SRL (Granollers, Spain) (represented by: M. Ceballos Rodríguez and J. Güell Serra, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: S. Palmero Cabezas and D. Walicka, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Alberto Masi (Milan, Italy) (represented by: C. Ceriani, S. Giudici and A. Ferreri, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 4 October 2016 (R 793/2015-1), relating to invalidity proceedings between Mr Masi and J-M.-E.V. e hijos.

**Operative part of the judgment**

*The Court:*

1. *Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 4 October 2016 (R 793/2015-1);*

2. Orders EUIPO to pay, in addition to its own costs, those incurred by J-M.-E.V. e hijos, SRL;
3. Orders Mr Alberto Masi to bear his own costs.

---

<sup>(1)</sup> OJ C 63, 27.2.2017.

---

**Judgment of the General Court of 4 May 2018 — Skyleader v EUIPO — Sky International (SKYLEADER)**

(Case T-34/17) <sup>(1)</sup>

*(EU trade mark — Revocation proceedings — EU figurative mark SKYLEADER — Failure to take into account evidence adduced before the Board of Appeal — Article 76(2) of Regulation (EC) No 207/2009 [now Article 95(2) of Regulation (EU) No 2017/1001] — Article 51(1)(a) of Regulation No 207/2009 [now Article 58(1)(a) of Regulation 2017/1001] — Rule 40(5) of Regulation (EC) No 2868/95 [now Article 19(1) of Delegated Regulation (EU 2017/1430)]*

(2018/C 221/23)

Language of the case: English

**Parties**

*Applicant:* Skyleader a.s. (Ústí nad Labem, Czech Republic) (represented by: K. Malmstedt, lawyer)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Sky International AG (Zug, Switzerland) (represented by: J. Barry, Solicitor)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 21 November 2016 (Case R 805/2016-4), relating to revocation proceedings between Sky International and Skyleader.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Skyleader a.s. to pay the costs, including those necessarily incurred by Sky International AG for the purposes of the proceedings before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).

---

<sup>(1)</sup> OJ C 78, 13.3.2017.