



C/2023/1157

4.12.2023

**Judgment of the General Court of 11 October 2023 — Deutsche Glasfaser Wholesale v EUIPO — O2 Worldwide (brightblue)**

**(Case T-516/22) <sup>(1)</sup>**

***(EU trade mark — Opposition proceedings — Application for the EU figurative mark brightblue — Earlier EU word mark BLUE — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the goods and services — Article 8(1)(b) of Regulation (EU) 2017/1001)***

(C/2023/1157)

*Language of the case: English*

**Parties**

*Applicant:* Deutsche Glasfaser Wholesale GmbH (Borken, Germany) (represented by: A. Doepner-Thiele and U. Kelp, lawyers)

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

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* O2 Worldwide Ltd (Cambridge, United Kingdom) (represented by P. Neuwald, lawyer)

**Re:**

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 21 June 2022 (Case R 24/2022-4).

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Deutsche Glasfaser Wholesale GmbH to bear its own costs and to pay those incurred by O2 Worldwide Ltd;
3. Orders the European Union Intellectual Property Office (EUIPO) to bear its own costs.

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<sup>(1)</sup> OJ C 398, 17.10.2022.