



C/2024/5102

26.8.2024

Judgment of the General Court of 10 July 2024 – Laura Food v EUIPO – Bella Tawziaa II (Thé Vert de China AL ASSAD HBOUB R3505 Chaara 4011)

(Case T-541/23) ⁽¹⁾

(EU trade mark – Opposition proceedings – Application for EU figurative mark Thé Vert de Chine AL ASSAD HBOUB R3505 Chaara 4011 – Earlier EU figurative mark Grand Lion 4011 B552 – Relative ground for refusal – No likelihood of confusion – Article 8(1)(b) of Regulation (EU) 2017/1001)

(C/2024/5102)

Language of the case: English

Parties

Applicant: Laura Food Srl (Milan, Italy) (represented by: C. Bercial Arias, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Bella Tawziaa II SLU (Marbella, Spain)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 June 2023 (Case R 2017/2022-2).

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 June 2023 (Case R 2017/2022-2) in so far as it annulled the decision of the Opposition Division of 20 September 2022 relating to the EU figurative trade mark Thé Vert de Chine AL ASSAD HBOUB R3505 Chaara 4011 in respect of 'tea' falling within Class 30 of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended.
2. Orders EUIPO to bear its own costs and those of Laura Food Srl.

⁽¹⁾ OJ C C/2023/224, 23.10.2023.