



C/2024/954

29.1.2024

Judgment of the General Court of 29 November 2023 — Vobro v EUIPO — Mieszko (CHERRY Passion)

(Case T-29/23) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark CHERRY Passion — Earlier EU figurative mark MIESZKO PRALINES CHERRISSIMO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(C/2024/954)

Language of the case: English

Parties

Applicant: Vobro sp. z o.o. (Brodnica, Poland) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Stoyanova-Valchanova and T. Frydendahl, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Mieszko S.A., (Warsaw, Poland)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 23 November 2022 (Case R 2073/2021-5).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 94, 13.3.2023.