

**Judgment of the General Court of 23 February 2016 — Consolidated Artists v OHIM — Body
Cosmetics International (MANGO)**

(Case T-761/14) ⁽¹⁾

**(Community trade mark — Invalidity proceedings — Community figurative mark MANGO — Absolute
ground for refusal — Lack of distinctive character acquired through use — Article 7(3) of Regulation (EC)
No 207/2009 — Article 52(2) of Regulation No 207/2009)**

(2016/C 118/33)

Language of the case: French

Parties

Applicant: Consolidated Artists BV (Amstelveen, Netherlands) (represented by: B. Corne, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Pétrequin and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Body Cosmetics International GmbH (Willich, Germany) (represented by: M. Müller-Mergenthaler, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 September 2014 (Case R 2337/2013-4), relating to invalidity proceedings between Body Cosmetics International GmbH and Consolidated Artists BV.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Consolidated Artists BV to pay the costs.

⁽¹⁾ OJ C 7, 12.1.2015.

**Judgment of the General Court of 24 February 2016 — Tayto Group v OHIM — MIP METRO (REAL
HAND COOKED)**

(Case T-816/14) ⁽¹⁾

**(Community trade mark — Opposition proceedings — Application for Community figurative mark REAL
HAND COOKED — Earlier national figurative mark real QUALITY — Relative ground for refusal —
Likelihood of confusion — Misuse of power — Article 8(1)(b) of Regulation (EC) No 207/2009 —
Articles 64, 75, 76 and 83 of Regulation No 207/2009)**

(2016/C 118/34)

Language of the case: English

Parties

Applicant: Tayto Group Ltd (Corby, United Kingdom) (represented by: R. Kunze and G. Würtenberger, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)