

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Etyam, SL (Ibiza, Spain)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 31 July 2014 (Case R 2293/2013-1) relating to opposition proceedings between Etyam and Ice Mountain Ibiza

Operative part of the judgment

The Court:

1. Declares that there is no need to adjudicate on the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 26, 26.1.2015.

Judgment of the General Court of 25 May 2016 — Ice Mountain Ibiza v EUIPO — Marbella Atlantic Ocean Club (ocean beach club ibiza)

(Case T-5/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark ocean beach club ibiza — Earlier national figurative marks OC ocean club and OC ocean club Ibiza — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation No 207/2009)

(2016/C 243/31)

Language of the case: Spanish

Parties

Applicant: Ice Mountain Ibiza, SL (San Antonio, Spain) (represented by: J. L. Gracia Albero, F. Miazetto and E. Cebollero González, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Marbella Atlantic Ocean Club, SL (Puerto Banús, Spain)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 8 October 2014 (Case R 2292/2013-1) relating to opposition proceedings between Marbella Atlantic Ocean Club and Ice Mountain Ibiza

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ice Mountain Ibiza, SL to pay the costs.

⁽¹⁾ OJ C 73, 2.3.2015.