

Judgment of the General Court of 14 April 2016 — Henkell & Co. Sektkellerei v EUIPO — Ciacci Piccolomini d’Aragona di Bianchini (PICCOLOMINI)

(Case T-20/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark PICCOLOMINI — Earlier EU word mark PICCOLO — No genuine use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009)

(2016/C 191/34)

Language of the case: English

Parties

Applicant: Henkell & Co. Sektkellerei KG (Wiesbaden, Germany) (represented by: J. Flick, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Kusturovic and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ciacci Piccolomini d’Aragona di Bianchini Società Agricola (Milan, Italy) (represented by F. Cecchi, P. Pozzi and F. Ghisletti Giovanni, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 31 October 2014 (Case R 2265/2013-1), relating to opposition proceedings between Henkell & Co. Sektkellerei KG and Ciacci Piccolomini d’Aragona di Bianchini Società Agricola.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Henkell & Co. Sektkellerei KG to bear its own costs and to pay the costs incurred by the European Union Intellectual Property Office (EUIPO) and by Ciacci Piccolomini d’Aragona di Bianchini Società Agricola.

⁽¹⁾ OJ C 89, 16.3.2015.

Judgment of the General Court of 13 April 2016 — Facchinello v EUIPO — Olimpia Splendid (Synthesis)

(Case T-81/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark Synthesis — Absence of genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009 — Evidence presented for the first time before the General Court)

(2016/C 191/35)

Language of the case: Italian

Parties

Applicant: Danila Facchinello (Molinella, Italy) (represented by: F. Torlontano, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Capostagno and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Olimpia Splendid Spa (Gualtieri, Italy) (represented by: A. Ferrarese and G. Ferrarese, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 21 November 2014 (Case R 2169/2013-1), relating to revocation proceedings between Olimpia Splendid SpA and Ms Danila Facchinello.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Ms Danila Facchinello to pay the costs.*

⁽¹⁾ OJ C 118, 13.4.2015.

Judgment of the General Court of 19 April 2016 — Spirig Pharma v EUIPO (Daylong)

(Case T-261/15) ⁽¹⁾

(EU trade mark — Application for EU figurative trade mark Daylong — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2016/C 191/36)

Language of the case: French

Parties

Applicant: Spirig Pharma AG (Egerkingen, Switzerland) (represented by: T. de Haan and P. Péters, lawyers)

Defendant: European Union Intellectual Property Office (represented by: V. Melgar and J. Crespo Carrillo, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 March 2015 (Case R 2455/2014-4), concerning an application for registration of the figurative sign Daylong as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Spirig Pharma AG to pay the costs.*

⁽¹⁾ OJ C 245, 27.7.2015.