

**Judgment of the General Court of 29 June 2016 — Universal Protein Supplements Corp. v EUIPO —
H Young Holdings (animal)**

(Joined Cases T-727/14 and T-728/14) ⁽¹⁾

**(EU trade mark — Invalidity proceedings — EU figurative marks animal — Unregistered earlier national
word mark ANIMAL — Relative ground for refusal — Application of national law by EUIPO —
Article 53(1)(c) and Article 8(4) of Regulation (EC) No 207/2009 — Particulars of the right on which the
application for a declaration of invalidity is based — Rule 37(b)(ii) of Regulation (EC) No 2868/95)**

(2016/C 287/25)

Language of the case: English

Parties

Applicant: Universal Protein Supplements Corp. (New Brunswick, New Jersey, United States) (represented by: S. Malynicz, Barrister)

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

Other party to the proceedings before EUIPO, intervener before the General Court: H Young Holdings plc (Newbury, United Kingdom) (represented by: D. Parrish, Solicitor, and A. Roughton, Barrister)

Re:

Action brought against the decisions of the First Board of Appeal of EUIPO of 31 July 2014 (Cases R 2054/2013-1 and R 2058/2013-1), relating to invalidity proceedings between Universal Protein Supplements and H Young Holdings.

Operative part of the judgment

The Court:

1. Dismisses the applications;
2. Orders Universal Protein Supplements Corp. to pay the costs.

⁽¹⁾ OJ C 431, 1.12.2014.

Judgment of the General Court of 28 June 2016 — salesforce.com, Inc. v EUIPO (SOCIAL.COM)

(Case T-134/15) ⁽¹⁾

**(European Union trade mark — Application for European Union word mark SOCIAL.COM — Absolute
grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of
Regulation (EC) No 207/2009)**

(2016/C 287/26)

Language of the case: English

Parties

Applicant: salesforce.com, Inc. (San Francisco, California, United States) (represented by: A. Nordemann and M. Maier, lawyers)

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

Re:

Action against the decision of the Fourth Board of Appeal of EUIPO of 20 January 2015 (Case R 1752/2014-4), concerning an application for registration of the word mark SOCIAL.COM as a European Union trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders salesforce.com, Inc., to pay the costs.*

⁽¹⁾ OJ C 171, 26.4.2015.

Order of the General Court of 22 June 2016 — Marcuccio v European Union

(Case T-409/14) ⁽¹⁾

(Action for damages — Applicant having ceased to respond to the requests from the General Court — No need to adjudicate)

(2016/C 287/27)

Language of the case: Italian

Parties

Applicant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Defendant: European Union, represented by the Court of Justice of the European Union (represented by: initially A. Placco, then J. Inghelram, P. Giusta and L. Tonini Alabiso, acting as Agents)

Re:

Application based on Article 268 TFEU and seeking to obtain compensation for the harm allegedly suffered by the applicant due to the duration of the proceedings in Cases T-236/02, C-59/06 P and C-617/11 P.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *Each party shall bear its own costs relating to the plea of inadmissibility giving rise to the order of 9 January 2015 in Marcuccio v European Union (T-409/14, not published, EU:T:2015:18).*
3. *Mr Luigi Marcuccio shall bear his own costs and those incurred by the Court of Justice of the European Union as to the remainder.*

⁽¹⁾ OJ C 245, 28.7.2014.