

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cryo-Save AG to pay the costs.

⁽¹⁾ OJ C 236, 20.7.2015.

Judgment of the General Court of 22 March 2017 — Windrush Aka v EUIPO — Dammers (The Specials)

(Case T-336/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark The Specials — Genuine use — Article 51(1) (a) of Regulation (EC) No 207/2009 — Consent of the proprietor of the trade mark — Article 15(2) of Regulation No 207/2009)

(2017/C 144/48)

Language of the case: English

Parties

Applicant: Windrush Aka LLP (London, United Kingdom) (represented by: S. Malynicz QC and S. Britton, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Jerry Dammers (London, United Kingdom) (represented by: C. Fehler, Solicitor, H. Cuddigan and B. Brandreth, Barristers).

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 18 March 2015 (Case R 1412/2014-1), relating to revocation proceedings between Windrush Aka and Mr Dammers.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Windrush Aka LLP to pay the costs.

⁽¹⁾ OJ C 294, 7.9.2015.

Judgment of the General Court of 16 March 2017 — Capella v EUIPO — Abus (APUS)

(Case T-473/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark APUS — Earlier national word mark ABUS — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Likelihood of confusion — Successive restrictions of the trade mark application before the Board of Appeal — Article 43(1) of Regulation No 207/2009 — Competence of the Board of Appeal — Article 64(1) of Regulation No 207/2009 — Right to be heard — Article 75, second sentence, of Regulation No 207/2009 — Rule 13(3) of Regulation (EC) No 2868/95)

(2017/C 144/49)

Language of the case: German

Parties

Applicant: Capella EOOD (Sofia, Bulgaria) (represented by: F. Henkel, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Abus August Bremicker Söhne KG (Wetter, Germany) (represented by: G. Hallwachs, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 2 June 2015 (Case R 117/2014-4), relating to opposition proceedings between Abus August Bremicker Söhne and Capella.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 June 2015 (Case R 117/2014-4);
2. Orders EUIPO, in addition to bearing its own costs, to pay those incurred by Capella EOOD;
3. Declares that Abus August Bremicker Söhne KG is to bear its own costs.

⁽¹⁾ OJ C 328, 5.10.2015.

Judgment of the General Court of 16 March 2017 — Sociedad agraria de transformación No 9982 Montecitrus v EUIPO — Spanish Oranges (MOUNTAIN CITRUS SPAIN)

(Case T-495/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark MOUNTAIN CITRUS SPAIN — Earlier EU figurative mark monteCitrus — Relative ground for refusal — No likelihood of confusion — Identity of the goods — No similarity between the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2017/C 144/50)

Language of the case: English

Parties

Applicant: Sociedad agraria de transformación No 9982 Montecitrus (Pulpí, Spain) (represented by: N. Fernández Fernández-Pacheco, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Schifko and K. Sidat Humphreys, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Spanish Oranges, SL (Castellón, Spain) (represented by: F. Perez Arnau, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 26 June 2015 (Case R 871/2014-4), relating to opposition proceedings between Sociedad agraria de transformación No 9982 Montecitrus and Spanish Oranges

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sociedad agraria de transformación No 9982 Montecitrus to pay the costs.

⁽¹⁾ OJ C 354, 26.10.2015.