

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Azur Space Solar Power GmbH to pay the costs.

⁽¹⁾ OJ C 38, 1.2.2016

Judgment of the General Court of 29 November 2016 — Chic Investments v EUIPO (eSMOKING WORLD)

(Case T-617/15) ⁽¹⁾

(EU trade mark — Application for EU figurative mark eSMOKING WORLD — Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Obligation to state reasons)

(2017/C 022/38)

Language of the case: Polish

Parties

Applicant: Chic Investments sp. z o.o. (Poznań, Poland) (represented by: K. Jarosiński, lawyer)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 25 June 2015 (R 3227/2014-5) concerning an application for registration of the figurative sign eSMOKING WORLD as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Chic Investments sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 16, 18.1.2016.

Judgment of the General Court of 6 December 2016 — Tuum v EUIPO — Thun (TUUM)

(Case T-635/15) ⁽¹⁾

(EU trade mark — Application for EU figurative mark TUUM — Earlier national figurative mark THUN — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2017/C 022/39)

Language of the case: Italian

Parties

Applicant: Tuum Srl (San Giustino, Italy) (represented by: B. Saguatti, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Thun SpA (Bolzano, Italy) (represented by: L. Sergi and G. Muscas, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 3 September 2015 (Case R 2624/2014-1), relating to opposition proceedings between Thun and Tuum.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 3 September 2015 (Case R 2624/2014-1);
2. Rejects the opposition;
3. Orders EUIPO to bear its own costs and to pay half of the costs incurred by Tuum Srl in the proceedings before the General Court and the Board of Appeal;
4. Orders Thun SpA to bear its own costs and to pay half of the costs incurred by Tuum in the proceedings before the General Court and the Board of Appeal.

⁽¹⁾ OJ C 16, 18.1.2016.

Judgment of the General Court of 6 December 2016 — Groupe Go Sport v EUIPO — Design Go (GO SPORT)

(Case T-703/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for an EU word mark GO SPORT — Earlier national word marks GO — Partial refusal of registration by the Opposition Division — Late filing of the statement of grounds of appeal — Inadmissibility of the appeal brought before the Board of Appeal — Article 60 of Regulation (EC) No 207/2009 — Rule 49(1) of Regulation (EC) No 2868/95)

(2017/C 022/40)

Language of the case: English

Parties

Applicant: Groupe Go Sport (Sassenage, France) (represented by: G. Arbant and E. Henry-Mayer, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Design Go Ltd (London, United Kingdom)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 September 2015 (Case R 569/2015-2), relating to opposition proceedings between Design Go and Groupe Go Sport.

Operative part of the judgment

The Court:

1. Dismisses the action;