

Judgment of the General Court of 19 October 2017 — Aldi v EUIPO — Sky (SKYLITE)(Case T-736/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark skylite — Earlier EU word mark SKY — Proof of use of the earlier mark — Article 15(1) and Article 42(2) and (3) of Regulation (EC) No 207/2009 — Rule 22(2) of Regulation (EC) No 2868/1995 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Regulation No 207/2009)

(2017/C 412/35)

Language of the case: English

Parties

Applicant: Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and N. Bertram, lawyers)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Sky plc (Isleworth, United Kingdom) (represented by: J. Barry, Solicitor)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 October 2015 (Case R 2771/2014-4) relating to opposition proceedings between Sky and Aldi.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Aldi GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 90, 7.3.2016.

Judgment of the General Court of 24 October 2017 — Keturi kambariai v EUIPO — Coffee In (coffee inn)(Case T-202/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark coffee inn — Earlier national figurative mark coffee in — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Genuine use of the earlier mark — Article 42(2) of Regulation No 207/2009 (now Article 47(2) of Regulation 2017/1001))

(2017/C 412/36)

Language of the case: English

Parties

Applicant: UAB Keturi kambariai (Vilnius, Lithuania) (represented by: R. Pumputienė, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: OÜ Coffee In (Tallinn, Estonia) (represented by: P. Lätt, lawyer)