

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 16 July 2015 (Case R 1888/2014-5), relating to opposition proceedings between Mr Ramón Guiral Broto and Gastro & Soul GmbH;
2. Dismisses the action as to the remainder;
3. Orders EUIPO and Mr Guiral Broto each to bear their own costs.

⁽¹⁾ OJ C 381, 16.11.2015.

Judgment of the General Court of 13 December 2016 — Puro Italian Style v EUIPO (smartline)

(Case T-744/15) ⁽¹⁾

(EU trade mark — Application for EU figurative mark smartline — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2017/C 030/51)

Language of the case: Italian

Parties

Applicant: Puro Italian Style SpA (Modena, Italy) (represented by: F. Terrano, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 7 October 2015 (Case R 2258/2014-1), concerning an application for registration of the figurative sign smartline as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Puro Italian Style SpA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 78, 29.2.2016.

Judgment of the General Court of 14 December 2016 — Scorpio Poland v EUIPO — Eckes-Granini Group (YO!)

(Case T-745/15) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for EU figurative mark YO! — Prior national work mark YO — Relative ground for refusal — Likelihood of confusion — Article 81)(b) of Regulation (EC) No 207/2009)

(2017/C 030/52)

Language of the case: Polish

Parties

Applicant: Scorpio Poland, formerly FH Scorpio (Łódź, Poland) (represented by: R. Rumpel, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Schifko and E. Śliwińska, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Eckes-Granini Group GmbH (Nieder-Olm, Germany) (represented by: W. Berlit, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 2 October 2015 (Case R 1546/2014-2) concerning opposition proceedings between Eckes-Granini Group and FH Scorpio.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Scorpio Poland to pay the costs.

⁽¹⁾ OJ C 59, 15.2.2016.

Judgment of the General Court of 13 December 2016 — Sovena Portugal — Consumer Goods v EUIPO — Mueloliva (FONTOLIVA)

(Case T-24/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark FONTOLIVA — Earlier national word mark FUENOLIVA — Relative ground for refusal — Validity of the registration of the earlier mark — Submission of new facts and evidence before the General Court — Genuine use of the earlier mark — Power to alter — Article 8(1)(b), Article 42(2) and (3) and Articles 65 and 76 of Regulation (EC) No 207/2009)

(2017/C 030/53)

Language of the case: English

Parties

Applicant: Sovena Portugal — Consumer Goods, SA (Algés, Portugal) (represented by: D. Martins Pereira, 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: Mueloliva, SL (Córdoba, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 4 November 2015 (Case R 1813/2014-2), relating to opposition proceedings between Mueloliva and Sovena Portugal — Consumer Goods.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 4 November 2015 (Case R 1813/2014-2);
2. Rejects the opposition filed by Mueloliva, SL to the international registration designating the European Union in respect of the word mark FONTOLIVA applied for by Sovena Portugal — Consumer Goods, SA;
3. Dismisses the action as to the remainder;
4. Orders EUIPO to bear its own costs and to pay those incurred by Sovena Portugal — Consumer Goods for the purposes of the proceedings before the Court;