

2. Refers the case to a chamber of the General Court other than that which ruled on the present appeal;
3. Reserves the costs.

⁽¹⁾ OJ C 98, 14.3.2016.

**Judgment of the General Court of 28 February 2017 — Labeyrie v EUIPO — Delpeyrat
(Representation of a sowing of golden fish on a blue background)**

(Case T-766/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark representing a sowing of golden fish on a blue background — Declaration of revocation — Genuine use of the mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form that differs in elements does not alter the distinctive character)

(2017/C 121/40)

Language of the case: French

Parties

Applicant: Labeyrie (Saint-Geours-de-Maremne, France) (represented by: A. Lecomte, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court: Delpeyrat (Saint-Pierre-du-Mont, France) (represented by: J. Ennoch, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 15 October 2015 (Case R 2693/2014-1), relating to revocation proceedings between Depeyrat and Labeyrie.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Labeyrie to bear its own costs as well as those incurred by EUIPO;
3. Orders Delpeyrat to bear its own costs.

⁽¹⁾ OJ C 78, 29.2.2016.

**Judgment of the General Court of 28 February 2017 — Labeyrie v EUIPO — Delpeyrat
(Representation of a sowing of light coloured fish on a dark background)**

(Case T-767/15) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark representing a sowing of light coloured fish on a dark background — Declaration of revocation — Genuine use of the mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form that differs in elements does not alter the distinctive character)

(2017/C 121/41)

Language of the case: French

Parties

Applicant: Labeyrie (Saint-Geours-de-Maremne, France) (represented by: A. Lecomte, lawyer)