



## Reports of Cases

### Judgment of the General Court (Sixth Chamber) of 28 June 2017 — Josel v EUIPO — Nationale-Nederlanden Nederland (NN)

(Case T-333/15)

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark NN — Earlier national word mark NN — Relative ground for refusal — No genuine use of the earlier mark — Articles 15(1)(a) and 42(2) of Regulation (EC) No 207/2009 — Form differing by elements altering the distinctive character)

1. *EU trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Criteria for assessment — Requirement of solid and objective evidence*

*(Council Regulation No 207/2009, Art. 42(2) and (3); Commission Regulation No 2868/95, Art. 1, Rule 22(2) and (3))*

*(see paras 16, 17)*

2. *EU trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Use of the mark in a form differing by elements not altering the distinctive character of the mark*

*(Council Regulation No 207/2009, Arts 15(1), second para., (a), and 42(2) and (3))*

*(see para. 18)*

3. *EU trade mark — Observations of third parties and opposition — Examination of the opposition — Proof of use of the earlier mark — Genuine use — Use of the mark in a form differing by elements not altering the distinctive character of the mark — Subject-matter and material scope of Article 15(1)(a) of Regulation No 207/2009*

*(Council Regulation No 207/2009, Arts 15(1), second para., (a), and 42(2) and (3))*

*(see paras 33, 34)*

**Re:**

ACTION brought against the decision of the Fourth Board of Appeal of EUIPO of 14 April 2015 (Case R 1531/2014-4), relating to opposition proceedings between Josel and Nationale-Nederlanden Nederland.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders the applicant to pay the costs.