

*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:* Teva Pharmaceutical Industries Ltd (Jerusalem, Israel)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 16 December 2015 (Case R 2387/2014-5), relating to opposition proceedings between Teva Pharmaceutical Industries and Opko Ireland Global Holdings.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Opko Ireland Global Holdings Ltd to pay the costs.*

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<sup>(1)</sup> OJ C 136, 18.4.2016.

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**Judgment of the General Court of 31 January 2017 — Coesia v EUIPO (Representation of two red oblique curves)**

(Case T-130/16) <sup>(1)</sup>

*(EU trade mark — Application for registration of an EU figurative mark representing two red oblique curves — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Obligation to assess the distinctiveness of a mark by reference to the perception which the relevant public has of it)*

(2017/C 078/41)

*Language of the case: Italian*

**Parties**

*Applicant:* Coesia SpA (Bologna, Italy) (represented by: S. Rizzo, Agent)

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

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 26 January 2016 (Case R 1933/2015-2) concerning an application for registration of a figurative sign representing two red oblique curves.

**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 26 January 2016 (Case R 1933/2015-2);*
2. *Orders EUIPO to pay the costs.*

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<sup>(1)</sup> OJ C 165, 10.5.2016.