

Judgment of the General Court of 4 October 2017 — 1. FC Köln v EUIPO (SPÜRBAR ANDERS.)(Case T-126/16) ⁽¹⁾**(EU trade mark — Application for the EU word mark SPÜRBAR ANDERS. — Absolute grounds for refusal — No distinctive character — Article 7(1)(b) and (2) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (2) of Regulation (EU) 2017/1001))**

(2017/C 392/25)

Language of the case: German

Parties

Applicant: 1. FC Köln GmbH & Co. KGaA (Cologne, Germany) (represented by: G. Hasselblatt, V. Töbelmann and S. Stier, lawyers)

Defendant: European Union Intellectual Property Office (represented by: W. Schramek and D. Hanf, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 7 January 2016 (Case R 718/2015-1), concerning an application for registration of the word sign SPÜRBAR ANDERS. as an EU trade mark.

Operative part of the judgment

The Court:

1. *The action is dismissed;*
2. *1. FC Köln GmbH & Co. KGaA is ordered to pay the costs.*

⁽¹⁾ OJ C 165, 10.5.2016.

Judgment of the General Court of 6 October 2017 — SDSR v EUIPO — Berghaus (BERG OUTDOOR)(Case T-139/16) ⁽¹⁾**(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark BERG OUTDOOR — Earlier EU word marks BERGHAUS — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))**

(2017/C 392/26)

Language of the case: English

Parties

Applicant: Sports Division SR, SA (SDSR) (Matosinhos, Portugal) (represented by A. Sebastião and J. Pimenta, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Berghaus Ltd (London, United Kingdom) (represented by S. Ashby, A. Carboni and J. Colbourn, Solicitors)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 21 January 2016 (Case R 153/2015-2) relating to opposition proceedings between Berghaus and SDSR.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sports Division SR, SA (SDSR) to bear its own costs and to pay those incurred by EUIPO and the intervener.

⁽¹⁾ OJ C 175, 17.5.2016.

Judgment of the General Court of 4 October 2017 — Intesa Sanpaolo v EUIPO — Intesia Group Holding (INTESA)

(Case T-143/16) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark INTESA — Article 51(1)(a) and (2) of Regulation (EC) No 207/2009 (now Article 58(1)(a) and (2) of Regulation (EU) 2017/1001 — No genuine use of the trade mark)

(2017/C 392/27)

Language of the case: English

Parties

Applicant: Intesa Sanpaolo SpA (Turin, Italy) (represented by: P. Pozzi and G. Ghisletti, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Intesia Group Holding GmbH (Böblingen, Germany)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 21 January 2016 (Case R 632/2015-1), relating to revocation proceedings between Intesa Sanpaolo and Intesia Group Holding.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Intesa Sanpaolo SpA to bear its own costs and to pay those incurred in the present proceedings by the European Union Intellectual Property Office (EUIPO) and by Intesia Group Holding GmbH.

⁽¹⁾ OJ C 191, 30.5.2016.