

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 26 January 2016 (Case R 803/2015-4), relating to opposition proceedings between Claro and Claranet Europe.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Claranet Europe Ltd to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 175, 17.5.2016.

Judgment of the General Court of 8 November 2017 — Pempe v EUIPO — Marshall Amplification (THOMAS MARSHALL GARMENTS OF LEGENDS)

(Case T-271/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark THOMAS MARSHALL GARMENTS OF LEGENDS — Earlier EU word and figurative marks MARSHALL and Marshall AMPLIFICATION — Article 42(2) and (3) of Regulation (EC) No 207/2009 (now Article 47(2) and (3) of Regulation (EU) 2017/1001) — Admissibility of the request for proof of the earlier marks' genuine use — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 005/42)

Language of the case: English

Parties

Applicant: Yusuf Pempe (Créteil, France) (represented by: A. Vivès-Albertini, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Marshall Amplification plc (Milton Keynes, United Kingdom)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 16 March 2016 (Case R 376/2015-5), relating to opposition proceedings between Marshall Amplification and Mr Pempe.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Yusuf Pempe to pay the costs.

⁽¹⁾ OJ C 251, 11.07.2016.