

**Judgment of the General Court of 7 July 2017 — Axel Springer v EUIPO — Stiftung Warentest (TestBild)**

(Case T-359/16) <sup>(1)</sup>

**(EU trade mark — Opposition proceedings — Application for an EU word mark TestBild — Earlier national figurative marks test — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Similarity of the signs — Inherent distinctive character — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 277/60)

Language of the case: German

**Parties**

*Applicant:* Axel Springer SE (Berlin, Germany) (represented by: K. Hamacher and G. Müllejans, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: D. Walicka, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Stiftung Warentest (Berlin) (represented: initially by R. Mann, J. Smid, T. Brach, H. Nieland and A.-K. Kornrumpf and subsequently by J. Smid, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 4 May 2016 (Case R 555/2015-4), relating to opposition proceedings between Stiftung Warentest and Axel Springer.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 4 May 2016 (Case R 555/2015-4), in so far as it found that there was a likelihood of confusion in respect of 'printed matter, in particular test periodicals, consumer information, prospectuses, catalogues, books, newspapers and periodicals; instructional and teaching material (except apparatus)', in Class 16 of the Nice Agreement of 15 June 1957 concerning the International Classification of Goods and Services for the purposes of the Registration of Marks, as revised and amended;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

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<sup>(1)</sup> OJ C 296, 16.8.2016.

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**Judgment of the General Court of 11 July 2017 — Dogg Label v EUIPO — Chemoul (JAPRAG)**

(Case T-406/16) <sup>(1)</sup>

**(EU trade mark — Invalidity proceedings — EU word mark JAPRAG — Earlier national figurative mark JAPAN-RAG — Relative ground for refusal — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2017/C 277/61)

Language of the case: French

**Parties**

*Applicant:* Dogg Label (Marseilles, France) (represented by: M. Angelier, 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, intervener before the General Court:* Patrick Chemoul (Paris, France) (represented by: E. Hoffman, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 13 May 2016 (Case R 2336/2015-2), relating to invalidity proceedings between Dogg Label and Mr Chemoul.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of EUIPO of 13 May 2016 (Case R 2336/2015-2);
2. Orders Dogg Label, EUIPO and Mr Patrick Chemoul to bear their own respective costs.

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<sup>(1)</sup> OJ C 364, 3.10.2016.

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**Judgment of the General Court of 29 June 2017 – Martín Osete v EUIPO — Rey (AN IDEAL WIFE and Others)**

**(Joined Cases T-427/16 to T-429/16) <sup>(1)</sup>**

**(EU trade mark — Revocation proceedings — EU word marks AN IDEAL WIFE, AN IDEAL LOVER and AN IDEAL HUSBAND — No genuine use of the marks — Article 51(1)(a) of Regulation (EC) No 207/2009 — No proper reason for non-use)**

(2017/C 277/62)

Language of the case: English

**Parties**

*Applicant:* Isabel Martín Osete (Paris, France) (represented by: V. Wellens, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: D. Gája, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Danielle Rey, (Toulouse, France) (represented by: P. Wallaert and J. Cockain-Barere, lawyers)

**Re:**

Actions brought against the decisions of the Second Board of Appeal of EUIPO of 21 April 2016 (Cases R 1528/2015-2, R 1527/2015-2 and R 1526/2015-2), concerning revocation proceedings between Ms Rey and Ms Martín Osete.

**Operative part of the judgment**

*The Court:*

1. Dismisses the actions;
2. Orders Ms Isabel Martín Osete to pay the costs.

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<sup>(1)</sup> OJ C 343, 19.9.2016.