

**Judgment of the General Court of 20 March 2018 — Grupo Osborne v EUIPO — Ostermann
(DONTORO dog friendship)**

(Case T-390/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark DONTORO dog friendship — Relative ground for refusal — Likelihood of confusion — Complementarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 152/34)

Language of the case: English

Parties

Applicant: Grupo Osborne, SA (El Puerto de Santa María, Spain) (represented by: J.M. Iglesias Monravá, lawyer)

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: Daniel Ostermann (Leipzig, Germany)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 28 April 2016 (Case R 2002/2015-1), relating to opposition proceedings between Grupo Osborne and Mr Ostermann.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Grupo Osborne, SA to pay the costs.

⁽¹⁾ OJ C 364, 3.10.2016.

Judgment of the General Court of 14 March 2018 — Gifi Diffusion v EUIPO — Crocs (Footwear)

(Case T-424/16) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing footwear — Earlier Community design — Grounds for invalidity — Duty to state reasons — Article 62 of Regulation (EC) No 6/2002 — Ground raised by the Board of Appeal of its own motion — Powers of the Board of Appeal — Article 63(1) of Regulation No 6/2002)

(2018/C 152/35)

Language of the case: English

Parties

Applicant: Gifi Diffusion (Villeneuve-sur-Lot, France) (represented by: C. de Chasse, lawyer)

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: Crocs, Inc. (Niwot, Colorado, United States) (represented by: H. Seymour, L. Cassidy, J. Guise and D. Knight, Solicitors, N. Hadjadj Cazier, M. Berger and H. Haouideg, lawyers)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 25 April 2016 (Case R 37/2015-3), relating to invalidity proceedings between Gifi Diffusion and Crocs.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 April 2016 (Case R 37/2015-3) concerning invalidity proceedings between Gifi Diffusion and Crocs, Inc.;
2. Orders EUIPO to bear its own costs and pay those incurred by Gifi Diffusion in the proceedings before the General Court;
3. Orders Crocs to bear its own costs.

⁽¹⁾ OJ C 392, 24.10.2016.

Judgment of the General Court of 14 March 2018 — Crocs v EUIPO — Gifi Diffusion (Footwear)
(Case T-651/16) ⁽¹⁾

(Community design — Invalidity proceedings — Registered Community design representing footwear — Earlier Community design — Ground for invalidity — Lack of novelty — Disclosure prior to the priority date — Examination of the facts of the Office's own motion — Additional evidence adduced before the Board of Appeal — Articles 5, 7 and Article 63(2) of Regulation (EC) No 6/2002)

(2018/C 152/36)

Language of the case: English

Parties

Applicant: Crocs, Inc. (Niwot, Colorado, United States) (represented by: H. Seymour, L. Cassidy, J. Guise and D. Knight, Solicitors, N. Hadjadj Cazier, M. Berger and H. Haouideg, 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: Gifi Diffusion (Villeneuve-sur-Lot, France) (represented by: C. de Chasse, lawyer)

Re:

Action brought against the decision of the Third Board of Appeal of EUIPO of 6 June 2016 (Case R 853/2014-3), relating to invalidity proceedings between Gifi Diffusion and Crocs.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Crocs, Inc. to bear its own costs and pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Gifi Diffusion in the proceedings before the General Court.

⁽¹⁾ OJ C 410, 7.11.2016.