

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 12 May 2016 (Case R 1206/2015-5), relating to the application for registration of the word sign Windfinder as an EU trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 12 May 2016 (Case R 1206/2015-5) in so far as it refused registration of the word sign Windfinder for the goods and services at issue, with the exception of anemometers in Class 9 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, and of meteorological information, meteorological forecast, meteorological information services and the supply of meteorological information in Class 42 of the Nice Agreement;
2. Upholds the action brought by Windfinder R&L GmbH & Co. KG before that Board of Appeal in accordance with the conditions set out at paragraph 1 of the operative part;
3. Dismisses the remainder of Windfinder R&L's action;
4. Orders Windfinder R&L and EUIPO to bear their own costs.

⁽¹⁾ OJ C 343, 19.6.2016.

**Judgment of the General Court of 19 July 2017 — Lackmann Fleisch- und Feinkostfabrik v EUIPO
(медведь)**

(Case T-432/16) ⁽¹⁾

(EU trade mark — Application for EU figurative mark медведь — Absolute ground for refusal — No distinctive character — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2017/C 283/67)

Language of the case: German

Parties

Applicant: Lackmann Fleisch- und Feinkostfabrik GmbH (Bühl, Germany) (represented by: A. Lingenfelsler, lawyer)

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

Re:

Action brought against the decision of the first Board of Appeal of EUIPO of 17 May 2016 (Case R 240/2016-1), relating to an application for registration of the figurative sign медведь as an EU trade mark.

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Lackmann Fleisch- und Feinkostfabrik GmbH to pay the costs.

⁽¹⁾ OJ C 364, 3.10.2016.