

Judgment of the General Court of 3 October 2017 — Ellinikos Syndesmos Epicheiriseon gia ti Diacheirisi ton Diethnon Protypon GS1 v EUIPO — 520 Barcode Hellas (520Barcode Hellas)

(Case T-453/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark 520Barcode Hellas — Relative ground for refusal — Article 8(4) of Regulation (EC) No 207/2009 (now Article 8(4) of Regulation (EU) 2017/1001) — Identification of the nature of the sign cited in opposition — Other earlier sign 520 — Identification of the goods and services on which the opposition is based)

(2017/C 382/49)

Language of the case: English

Parties

Applicant: Ellinikos Syndesmos Epicheiriseon gia ti Diacheirisi ton Diethnon Protypon GS1 (Argiroupoli Attikis, Greece) (represented by: A. Mouzaki, 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: 520 Barcode Hellas — AE Diacheirisis Diethnon Protypon kai Parochis Symvouleutikon Ypiresion (Kifisia Attikis, Greece) (represented by: A. Roussou, M.-M. Theodoridou and F. Christodoulou-Kardiopoulis, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 June 2016 (Case R 238/2015-4), relating to opposition proceedings between Ellinikos Syndesmos Epicheiriseon gia ti Diacheirisi ton Diethnon Protypon GS1 and 520 Barcode Hellas — AE Diacheirisis Diethnon Protypon kai Parochis Symvouleutikon Ypiresion.

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 14 June 2016 (Case R 238/2015-4);
2. Orders EUIPO to bear its own costs and pay those incurred by Ellinikos Syndesmos Epicheiriseon gia ti Diacheirisi ton Diethnon Protypon GS1; and
3. Orders 520 Barcode Hellas — AE Diacheirisis Diethnon Protypon kai Parochis Symvouleutikon Ypiresion to bear its own costs.

⁽¹⁾ OJ C 371, 10.10.2016.