

2. Dismisses the action as to the remainder.
3. Orders each party to bear its own costs.

(¹) OJ C 85, 22.3.2014 (case initially registered before the European Union Civil Service Tribunal under Case No F-5/14 and transferred to the General Court of the European Union on 1.9.2016).

Judgment of the General Court of 13 December 2018 — Monolith Frost v EUIPO — Dovgan (PLOMBIR)

(Case T-830/16) (¹)

(EU trade mark — Invalidity proceedings — EU word mark PLOMBIR — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Examination of the facts — Article 76(1) of Regulation No 207/2009 (now Article 95(1) of Regulation 2017/1001) — Evidence submitted for the first time before the General Court)

(2019/C 82/56)

Language of the case: German

Parties

Applicant: Monolith Frost GmbH (Leopoldshöhe, Germany) (represented by: E. Liebich and S. Labesius, lawyers)

Defendant: European Union Intellectual Property Office (represented by: A. Söder, D. Walicka and M. Fischer, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Dovgan GmbH (Hamburg, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 22 September 2016 (Case R 1812/2015-4) relating to invalidity proceedings between Monolith Frost and Dovgan.

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 22 September 2016 (Case R 1812/2015-4);
2. Orders EUIPO to bear its own costs and to pay those incurred by Monolith Frost GmbH, including the costs necessarily incurred by Monolith Frost for the purpose of the proceedings before the Board of Appeal of EUIPO;
3. Orders Dovgan GmbH to bear its own costs.

(¹) OJ C 22, 23.1.2017.