



## Reports of Cases

### Judgment of the General Court (Ninth Chamber) of 7 June 2018 – Sipral World v EUIPO — La Dolfina (DOLFINA)

(Case T-882/16)

(EU trade mark — Revocation proceedings — EU word mark DOLFINA — No genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009 (now Article 58(1)(a) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 75 of Regulation No 207/2009 (now Article 94 of Regulation 2017/1001))

1. *EU trade mark — Procedural provisions — Statement of reasons for decisions — Aim*

*(Council Regulation No 207/2009, Art. 75, first sentence)*

*(see para. 27)*

2. *EU trade mark — Surrender, revocation and invalidity — Causes of revocation — Absence of genuine use of a trade mark — Proof of use of the earlier mark — Genuine use — Meaning — Criteria for assessment*

*(Council Regulation No 207/2009, Arts 15, 42(2), 51(1)(a) and 57(2))*

*(see paras 36-43)*

3. *EU trade mark — Surrender, revocation and invalidity — Examination of the application — Proof of use of the earlier mark — Use by a third party with the consent of the trade mark proprietor — Express or implied consent*

*(Council Regulation No 207/2009, Art. 15(1) and (2))*

*(see paras 68, 69)*

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 September 2016 (Case R 1897/2015-2), relating to revocation proceedings between La Dolfina and Sipral World.

**Operative part**

The Court:

1. Dismisses the action;
2. Orders Sipral World, SL, to pay the costs.