

Judgment of the General Court of 17 April 2018 — Şölen Çikolata Gıda Sanayi ve Ticaret v EUIPO (BOBO cornet)

(Case T-648/16) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for EU figurative mark BOBO cornet — Prior EU figurative mark OZMO cornet — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 190/44)

Language of the case: English

Parties

Applicant: Şölen Çikolata Gıda Sanayi ve Ticaret AŞ (Şehitkamil Gaziantep, Turkey) (represented by: T. Tsenova, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Elka Zaharieva (Plovdiv, Bulgaria)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 July 2016 (Case R 906/2015-4) concerning opposition proceedings between Şölen Çikolata Gıda Sanayi ve Ticaret and Ms Zaharieva.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Şölen Çikolata Gıda Sanayi ve Ticaret AŞ to pay the costs.

⁽¹⁾ OJ C 402, 31.10.2016.

Judgment of the General Court of 20 April 2018 — Mitrakos v EUIPO — Belasco Baquedano (YAMAS)

(Case T-15/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark YAMAS — Earlier EU word mark LLAMA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 190/45)

Language of the case: English

Parties

Applicant: Dimitrios Mitrakos (Palaio Faliro, Greece) (represented by: D. Bakopanou, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Kusturovic and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Juan Ignacio Belasco Baquedano (Viana, Spain) (represented by P. Merino Baylos, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 11 October 2016 (Case R 532/2016-2), relating to opposition proceedings between Mr Belasco Baquedano and Mr Mitrakos.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Dimitrios Mitrakos to pay the costs.

⁽¹⁾ OJ C 63, 27.2.2017.

Judgment of the General Court of 19 April 2018 — Bernhard Rintisch v EUIPO, Compagnie laitière européenne (PROTICURD)

(Case T-25/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark PROTICURD — Earlier national word marks PROTI and PROTIPLUS — Earlier national figurative mark Proti Power — Relative ground for refusal — Obligation to state reasons — Article 75 of Regulation (EC) No 207/2009 (now Article 94 of Regulation (EU) 2017/1001) — Genuine use of the earlier marks — Article 42(2) and (3) of Regulation No 207/2009 (now Article 47(2) and (3) of Regulation 2017/1001) — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation 2017/1001) — Goods not similar — No likelihood of confusion)

(2018/C 190/46)

Language of the case: English

Parties

Applicant: Bernhard Rintisch (Bottrop, Germany) (represented by: A. Dreyer, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Compagnie laitière européenne SA (Condé-sur-Vire, France)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 8 November 2016 (Case R 247/2016-4) relating to opposition proceedings between Mr Rintisch and Compagnie laitière européenne.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Bernhard Rintisch to pay the costs.

⁽¹⁾ OJ C 63, 27.2.2017.