

2. Orders EUIPO to pay, in addition to its own costs, those incurred by J.-M.-E.V. e hijos, SRL;
3. Orders Mr Alberto Masi to bear his own costs.

⁽¹⁾ OJ C 63, 27.2.2017.

Judgment of the General Court of 4 May 2018 — Skyleader v EUIPO — Sky International (SKYLEADER)

(Case T-34/17) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark SKYLEADER — Failure to take into account evidence adduced before the Board of Appeal — Article 76(2) of Regulation (EC) No 207/2009 [now Article 95(2) of Regulation (EU) No 2017/1001] — Article 51(1)(a) of Regulation No 207/2009 [now Article 58(1)(a) of Regulation 2017/1001] — Rule 40(5) of Regulation (EC) No 2868/95 [now Article 19(1) of Delegated Regulation (EU 2017/1430)]

(2018/C 221/23)

Language of the case: English

Parties

Applicant: Skyleader a.s. (Ústí nad Labem, Czech Republic) (represented by: K. Malmstedt, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Sky International AG (Zug, Switzerland) (represented by: J. Barry, Solicitor)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 21 November 2016 (Case R 805/2016-4), relating to revocation proceedings between Sky International and Skyleader.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Skyleader a.s. to pay the costs, including those necessarily incurred by Sky International AG for the purposes of the proceedings before the Board of Appeal of the European Union Intellectual Property Office (EUIPO).

⁽¹⁾ OJ C 78, 13.3.2017.