Judgment of the General Court of 13 September 2018 — ACTC v EUIPO — Taiga (tigha)

(Case T-94/17) ([1])

(EU trade mark — Opposition proceedings — Application for the EU word mark tigha — Earlier EU word mark TAIGA — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8 (1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Article 42 (2) and (3) of Regulation No 207/2009 (now Article 47(2) and (3) of Regulation 2017/1001) — Proof of genuine use of the earlier mark)

(2018/C 392/31)

Language of the case: English

Parties

Applicant: ACTC GmbH (Erkrath, Germany) (represented by V. Hoene, D. Eickemeier and S. Gantenbrink, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Taiga AB (Varberg, Sweden) (represented by C. Eckhartt and K. Thanbichler-Brandl, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 9 December 2016 (Case R 693/2015-4) relating to opposition proceedings between Taiga and ACTC.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders ACTC GmbH to pay the costs.*

([1]) OJ C 112, 10.4.2017.

Judgment of the General Court of 13 September 2018 — Apple v EUIPO — Apo International (apo)

(Case T-104/17) ([1])

(EU trade mark — Opposition proceedings — Application for EU figurative mark apo — Earlier EU figurative mark representing an apple and earlier EU word marks APPLE — Relative grounds for refusal — Similarity of the signs — Article 8(1)(b) and (5) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and (5) of Regulation (EU) 2017/1001))

(2018/C 392/32)

Language of the case: English

Parties

Applicant: Apple Inc. (Cupertino, California, United States) (represented by: J. Olsen and P. Andreottola, Solicitors, and by G. Tritton, Barrister)