

Judgment of the General Court of 12 September 2018 — Pelikan v EUIPO — NBA Properties (NEW ORLEANS PELICANS)

(Case T-112/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark NEW ORLEANS PELICANS — Earlier EU word marks and earlier national figurative mark Pelikan — Article 8(1)(b) and Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and Article 8(5) of Regulation (EU) 2017/1001)

(2018/C 381/26)

Language of the case: English

Parties

Applicant: Pelikan Vertriebsgesellschaft mbH & Co. KG (Hanover, Germany) (represented by: U. Hildebrandt, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: NBA Properties, Inc. (New York, New York, United States) (represented initially by: M. Chapple, and subsequently by T. Elias, Barristers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 16 December 2016 (Case R 408/2016-4), concerning opposition proceedings between Pelikan Vertriebsgesellschaft and NBA Properties.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Pelikan Vertriebsgesellschaft mbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 129, 24.4.2017.

Judgment of the General Court of 12 September 2018 — Primart v EUIPO — Bolton Cile España (PRIMART Marek Łukasiewicz)

(Case T-584/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark PRIMART Marek Łukasiewicz — Earlier national word marks PRIMA — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001)

(2018/C 381/27)

Language of the case: English

Parties

Applicant: Przedsiębiorstwo Produkcyjno-Handlowe 'Primart' Marek Łukasiewicz (Wołomin, Poland) (represented by: J. Skołuda, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Bolton Cile España, SA (Madrid, Spain) (represented by: F. Celluprica, F. Fischetti and F. De Bono, lawyers)