

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 27 October 2016 (Case R 803/2016-1), relating to invalidity proceedings between the Italian Republic and La Mafia Franchises.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders La Mafia Franchises, SL, to pay the costs.

⁽¹⁾ OJ C 53, 20.2.2017.

**Judgment of the General Court of 15 March 2018 — Marriott Worldwide v EUIPO — Graf
(Representation of a winged bull)**

(Case T-151/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark representing a winged bull — Earlier EU and national figurative marks representing a griffin — Relative ground for refusal — Similarity of the signs — Article 53(1)(a) and Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 60(1)(a) and Article 8(1)(b) of Regulation (EU) 2017/1001) — Earlier copyright protected by national law — Article 53(2)(c) of Regulation No 207/2009 (now Article 60(2)(c) of Regulation 2017/1001) — Examination of the facts of the Office's own motion — Article 76(1) of Regulation No 207/2009 (now Article 95(1) of Regulation 2017/1001))

(2018/C 152/39)

Language of the case: English

Parties

Applicant: Marriott Worldwide Corp. (Bethesda, Maryland, United States) (represented by: A. Reid, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Johann Graf (Gumpoldskirchen, Austria) (represented by: S. Salomonowitz, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 17 January 2017 (Case R 165/2016-4), relating to invalidity proceedings between Marriott Worldwide and Mr Graf.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 17 January 2017 (Case R 165/2016-4);
2. Orders EUIPO to bear its own costs and to pay those incurred by Marriott Worldwide Corp.;
3. Orders Mr Johann Graf to bear his own costs.

⁽¹⁾ OJ C 129, 24.4.2017.