

Judgment of the General Court of 4 May 2018 — Bernard Krone Holding v EUIPO (Mega Liner)(Case T-187/17) ⁽¹⁾

(EU trade mark — Application for EU word mark Mega Liner — Absolute grounds for refusal — Descriptive character — No distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 75, first sentence, of Regulation No 207/2009 (now Article 94(1) of Regulation 2017/1001))

(2018/C 221/24)

Language of the case: German

Parties

Applicant: Bernard Krone Holding SE & Co. KG (Spelle, Germany) (represented by: T. Weeg and K. Lüken, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer and W. Schramek, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 9 January 2017 (Case R 442/2016-1) concerning an application for registration of the word mark Mega Liner as an EU trade mark.

Operative part of the order

The Court:

1. Annuls paragraph 2 of the operative part of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 January 2017 (Case R 442/2016-1);
2. Orders EUIPO to bear its own costs and to pay those incurred by Bernard Krone Holding SE & Co. KG in the proceedings before the General Court.

⁽¹⁾ OJ C 161, 22.5.2017.

Judgment of the General Court of 4 May 2018 — Bernard Krone Holding v EUIPO (Coil Liner)(Case T-188/17) ⁽¹⁾

(EU trade mark — Application for EU word mark Coil Liner — Absolute grounds for refusal — Descriptive character — No distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 75, first sentence, of Regulation No 207/2009 (now Article 94(1) of Regulation 2017/1001))

(2018/C 221/25)

Language of the case: German

Parties

Applicant: Bernard Krone Holding SE & Co. KG (Spelle, Germany) (represented by: T. Weeg and K. Lüken, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer and W. Schramek, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 9 January 2017 (Case R 443/2016 –1) concerning an application for registration of the word mark Coil Liner as an EU trade mark.

Operative part of the judgment

The Court:

1. Annuls paragraph 2 of the operative part of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 9 January 2017 (Case R 443/2016–1);
2. Orders EUIPO to bear its own costs and to pay those incurred by Bernard Krone Holding SE & Co. KG in the proceedings before the General Court.

⁽¹⁾ OJ C 161, 22.5.2017.

Judgment of the General Court of 3 May 2018 — CeramTec v EUIPO — C5 Medical Werks (Shape of a part of a prosthetic hip and others)

(Joined Cases T-193/17, T-194/17 and T-195/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — Three-dimensional EU trade mark — Shape of a part of a prosthetic hip — Figurative EU trade mark representing a part of a prosthetic hip — EU trade mark consisting in a shade of pink — Withdrawal of applications for declarations of invalidity and closure of the invalidity proceedings — Action of the proprietor of the mark seeking the annulment of decisions closing proceedings — Inadmissibility of action before the Board of Appeal — Article 59 of Regulation (EC) No 207/2009 (now Article 67 of Regulation (EU) 2017/1001))

(2018/C 221/26)

Language of the case: English

Parties

Applicant: CeramTec GmbH (Plochingen, Germany) (represented by: initially A. Renck and E. Nicolás Gómez, and subsequently A. Renck, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: C5 Medical Werks (Grand Junction, Colorado, United States) (represented by: S. Naumann, lawyer)

Re:

Actions brought against the decisions of the Fourth Board of Appeal of EUIPO of 15 February 2017 (Cases R 929/2016–4, R 928/2016–4 and R 930/2016–4), relating to invalidity proceedings between C5 Medical Werks and CeramTec.

Operative part of the judgment

The Court:

1. Dismisses the actions;