

Judgment of the General Court of 25 April 2018 — Romantik Hotels & Restaurants v EUIPO — Hotel Preidlhof (ROMANTIK)

(Case T-213/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark ROMANTIK — Absolute ground for refusal — No distinctive character — No distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (3) of Regulation (EU) 2017/1001))

(2018/C 200/51)

Language of the case: German

Parties

Applicant: Romantik Hotels & Restaurants AG (Frankfurt am Main, Germany) (represented by: A. Hofmann and W. Göpfert, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Lenz and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Hotel Preidlhof GmbH (Naturans, Italy) (represented by: A. Wittwer, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 3 February 2017 (Case R 1257/2016-4), concerning invalidity proceedings between Hotel Preidlhof and Romantik Hotels & Restaurants.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Romantik Hotels & Restaurants AG to pay the costs.

⁽¹⁾ OJ C 168, 29.5.2017.

Judgment of the General Court of 26 April 2018 — Pfalzmarkt für Obst und Gemüse v EUIPO (100 % Pfalz)

(Case T-220/17) ⁽¹⁾

(European Union trade mark — Application for EU figurative mark 100 % Pfalz — Absolute ground for refusal — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001) — Obligation to state reasons — Article 75 of Regulation No 207/2009 (now Article 94 of Regulation 2017/1001))

(2018/C 200/52)

Language of the case: German

Parties

Applicant: Pfalzmarkt für Obst und Gemüse eG (Mutterstadt, Germany) (represented by: C. Gehweiler and C. Weber, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 7 February 2017 (Case R 1549/2016-1) concerning an application for registration of the figurative sign 100 % Pfalz as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Pfalzmarkt für Obst und Gemüse eG to pay the costs.

⁽¹⁾ OJ C 178, 6.6.2017.

Judgment of the General Court of 24 April 2018 — *Mémora Servicios Funerarios v EUIPO — Chatenoud* (MEMORAME)

(Case T-221/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark MEMORAME — Earlier EU figurative mark mémora and earlier national word marks MÉMORA — Relative ground for refusal — Likelihood of confusion — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 200/53)

Language of the case: Spanish

Parties

Applicant: Mémora Servicios Funerarios SLU (Zaragoza, Spain) (represented by: C. Marí Aguilar and J. Gallego Jiménez, lawyers)

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: Georges Chatenoud (Thiviers, France)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 10 February 2017 (Case R 1308/2016-4), relating to opposition proceedings between Mémora Servicios Funerarios and Mr Chatenoud.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mémora Servicios Funerarios SLU to pay the costs.

⁽¹⁾ OJ C 239, 24.7.2017.