

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders ClientEarth to bear its own costs and to pay the costs incurred by the European Commission;
3. Orders the European Chemicals Agency (ECHA) to bear its own costs.

(¹) OJ C 121, 18.4.2017.

Judgment of the General Court of 11 April 2019 — Adapta Color v EUIPO — Coatings Foreign IP (ADAPTA POWDER COATINGS)

(Case T-223/17) (¹)

(EU trade mark — Invalidity proceedings — European Union figurative mark ADAPTA POWDER COATINGS — Declaration of invalidity by the Board of Appeal — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2007/1001) — No distinctive character acquired by use — Article 7(3) of Regulation No 207/2009 (now Article 7(3) of Regulation 2017/1001) — Infringement of the right to be heard — Obligation to state reasons — Article 75 of Regulation No 207/2009 (now Article 94 of Regulation 2017/1001) — Evidence submitted for the first time before the Court)

(2019/C 187/71)

Language of the case: English

Parties

Applicant: Adapta Color, SL (Peñíscola, Spain) (represented by: G. Macías Bonilla, G. Marín Raigal and E. Armero Lavie, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Coatings Foreign IP Co. LLC (Wilmington, Delaware, United States) (represented by: A. Rajendra, Solicitor, and by S. Malynicz QC)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 6 February 2017 (Case R 2522/2015-5), relating to invalidity proceedings between Coatings Foreign IP and Adapta Color.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Adapta Color, SL to pay the costs.

(¹) OJ C 202, 26.6.2017.