

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Swissgear Sàrl (Baar, Switzerland) (represented by: J. Hacke, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 20 September 2016 (Case R 2098/2015-5), relating to invalidity proceedings between Swissgear and Wenger.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Wenger SA to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Swissgear Sàrl.*

⁽¹⁾ OJ C 38, 6.2.2017.

Judgment of the General Court of 23 January 2018 — avanti v EUIPO (avanti)

(Case T-250/17) ⁽¹⁾

(EU trade mark — Application for the EU figurative mark avanti — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001))

(2018/C 083/32)

Language of the case: German

Parties

Applicant: avanti GmbH (Hamburg, Germany) (represented by: M. Bahmann, lawyer)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 14 February 2017 (Case R 801/2016-5), concerning an application for registration of the figurative sign Avanti as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders avanti GmbH to pay the costs.*

⁽¹⁾ OJ C 195, 19.6.2017.