

Judgment of the General Court of 25 September 2018 — Medisana v EUIPO (happy life)(Case T-457/17) ⁽¹⁾**(EU trade mark — Application for the EU word mark happy life — No distinctive character — Article 7(1)(b) and Article 7(2) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and Article 7(2) of Regulation (EU) 2017/1001))**

(2018/C 408/69)

Language of the case: German

Parties*Applicant:* Medisana AG (Neuss, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)*Defendant:* European Union Intellectual Property Office (EUIPO) (represented by: A. Söder and D. Walicka, acting as Agents)**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 3 May 2017 (Case R 1965/2016-4) concerning an application for registration of the word sign happy life as an EU trade mark.

Operative part of the judgment*The Court:*

1. *Dismisses the action;*
2. *Orders Medisana AG to pay the costs.*

⁽¹⁾ OJ C 300, 11.9.2017.

Judgment of the General Court of 20 September 2018 — Ghost — Corporate Management v EUIPO (Dry Zone)(Case T-488/17) ⁽¹⁾**(EU trade mark — Application for the EU word mark Dry Zone — Period for bringing an action — Lateness — Inadmissibility of the appeal brought before the Board of Appeal — Article 60 of Regulation (EC) No 207/2009 (now Article 68 of Regulation (EU) 2017/1001) — No force majeure or unforeseeable circumstances — Obligations of care and diligence — Legitimate expectations)**

(2018/C 408/70)

Language of the case: Portuguese

Parties*Applicant:* Ghost — Corporate Management SA (Lisbon, Portugal) (represented by: S. de Barros Araújo, lawyer)*Defendant:* European Union Intellectual Property Office (EUIPO) (represented by: J. Crespo Carrillo, acting as Agent)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 5 June 2017 (Case R 683/2017-2) concerning an application for registration of the word sign Dry Zone as an EU trade mark.

Operative part of the judgment*The Court:*

1. *Dismisses the action;*

2. *Orders Ghost — Corporate Management SA to pay the costs.*

⁽¹⁾ OJ C 309, 18.9.2017.

Judgment of the General Court of 20 September 2018 — Maico Holding v EUIPO — Eico (Eico)

(Case T-668/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark Eico — Earlier EU word mark MAICO — Relative ground for refusal — No likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 408/71)

Language of the case: English

Parties

Applicant: Maico Holding GmbH (Villingen-Schwenningen, Germany) (represented by: T. Krüger and D. Deckers, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Eico A/S (Brønderslev, Denmark) (represented by: A. Skov, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 27 July 2017 (Case R 2089/2016-4), relating to opposition proceedings between Maico Holding and Eico.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 382, 13.11.2017.

Action brought on 4 September 2018 — XI v Commission

(Case T-528/18)

(2018/C 408/72)

Language of the case: French

Parties

Applicant: XI (represented by: N. Lhöest, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the Commission's decision of 25 May 2018 rejecting the applicant's complaint in so far as that decision contains medical data;