

**Operative part of the judgment**

The Court:

1. *Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 25 May 2017 (Case R 1870/2016-1);*
2. *Declares that the parties are to bear their own costs.*

---

(<sup>1</sup>) OJ C 338, 9.10.2017.

---

**Judgment of the General Court of 29 March 2019 — All Star v EUIPO — Carrefour Hypermarchés (Shape of a shoe sole)**

(Case T-611/17) (<sup>1</sup>)

*(EU trade mark — Invalidity proceedings — Three-dimensional EU trade mark — Shape of a shoe sole — Well known facts — Obligation to state reasons — Rights of defence — Article 75 of Regulation (EC) No 207/2009 (now Article 94(1) of Regulation (EU) 2017/1001) — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009 (now Article 7(1)(b) of Regulation 2017/1001) — Distinctive character acquired through use — Article 7(3) and Article 52(2) of Regulation No 207/2009 (now Article 7(3) and Article 59(2) of Regulation 2017/1001) — Rejection of the request to hold a hearing before the Board of Appeal — Article 77 of Regulation No 207/2009 (now Article 96(1) of Regulation 2017/1001)*

(2019/C 172/43)

Language of the case: French

**Parties**

*Applicant:* All Star CV (Beaverton, Oregon, United States) (represented by: R. Kunze, G. Würtenberger, lawyers, and S. Malynicz QC)

*Defendant:* European Union Intellectual Property Office (represented by: V. Ruzek, acting as Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Carrefour Hypermarchés (Évry, France) (represented by: C. Verneret, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 27 June 2017 (Case R 952/2014-4), relating to invalidity proceedings between Carrefour Hypermarchés and All Star.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders All Star CV to pay the costs.*

---

(<sup>1</sup>) OJ C 374, 6.11.2017.

---

**Judgment of the General Court of 4 April 2019 — United Wineries v EUIPO — Compañía de Vinos Miguel Martín (VIÑA ALARDE)**

(Case T-779/17) (<sup>1</sup>)

*(EU trade mark — Opposition proceedings — Application for EU word mark VIÑA ALARDE — Earlier national word mark ‘ALARDE’ — Proof of genuine use of the earlier mark — Article 42(2) and (3) of Regulation (EC) No 207/2009 (now Article 47(2) and (3) of Regulation (EU) 2017/1001) — Relative ground for refusal — Likelihood of confusion — Identity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation 2017/1001))*

(2019/C 172/44)

Language of the case: Spanish

**Parties**

*Applicant:* United Wineries, SA (Cenicero, Spain) (represented by: J. Oria Sousa-Montes, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: S. Palmero Cabezas and J. Crespo Carrillo, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Compañía de Vinos Miguel Martín, SL (Cigales, Spain)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 25 September 2017 (Case R 281/2017-5) relating to opposition proceedings between Compañía de Vinos Miguel Martín and United Wineries.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders United Wineries, SA to pay the costs.*

---

(<sup>1</sup>) OJ C 42, 5.2.2018.