

Judgment of the General Court of 23 November 2018 — Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi v EUIPO — Papouis Dairies (Papouis Halloumi)

(Case T-702/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark Papouis Halloumi — Earlier EU collective word mark HALLOUMI — Relative ground for refusal — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2019/C 44/51)

Language of the case: English

Parties

Applicant: Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi (Nicosia, Cyprus) (represented by: S. Malynicz QC and V. Marsland, Solicitor)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Papouis Dairies Ltd (Nicosia) (represented by: N. Korogiannakis, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 3 August 2017 (Case R 2782/2014-4) concerning opposition proceedings between the Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi and Papouis Dairies.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 3 August 2017 (Case R 2782/2014-4) concerning opposition proceedings between the Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi and Papouis Dairies Ltd;
2. Orders EUIPO to bear its own costs and to pay those incurred by the Foundation for the Protection of the Traditional Cheese of Cyprus named Halloumi;
3. Orders Papouis Dairies to bear its own costs.

⁽¹⁾ OJ C 424, 11.12.2017.