

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 5 September 2017 (Case R 2439/2016-4) in respect of 'Protein supplements' and 'Dietary and nutritional supplements';
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 22, 22.1.2018.

Judgment of the General Court of 8 November 2018 — Perfect Bar v EUIPO (PERFECT Bar)

(Case T-759/17) ⁽¹⁾

(EU trade mark — Application for EU word mark PERFECT BAR — Absolute grounds for refusal — Descriptive character — No distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 (now Article 7(1)(b) and (c) of Regulation (EU) 2017/1001))

(2019/C 4/40)

Language of the case: English

Parties

Applicant: Perfect Bar LLC (San Diego, California, United States) (represented by: F. Miazzetto, J.L. Gracia Albero and E. Cebollero González, lawyers)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 5 September 2017 (Case R 2440/2016-4), relating to an application for registration of the figurative sign PERFECT Bar as an EU trade mark.

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 5 September 2017 (Case R 2440/2016-4) in respect of 'Protein supplements' and 'Dietary and nutritional supplements';
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 22, 22.1.2018.