

Judgment of the General Court of 20 March 2019 — Meesenburg Großhandel v EUIPO (Triotherm+)(Case T-760/17) ⁽¹⁾

(EU trade mark — Application for EU word mark Triotherm+ — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001) — Right to be heard)

(2019/C 155/48)

*Language of the case: German***Parties**

Applicant: Meesenburg Großhandel KG (Flensburg, Germany) (represented by: D. Freiherr von Oldershausen, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 13 September 2017 (Case R 1786/2016-1), concerning an application for registration of the word sign Triotherm+ as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action.*
2. *Orders Meesenburg Großhandel KG to pay the costs.*

⁽¹⁾ OJ C 22, 22.1.2018.

Judgment of the General Court of 20 March 2019 — Grammer v EUIPO (Representation of a shape)(Case T-762/17) ⁽¹⁾

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

(2019/C 155/49)

*Language of the case: German***Parties**

Applicant: Grammer AG (Amberg, Germany) (represented by: J. Bühling and D. Graetsch, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Fischer, agent)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 6 September 2017 (Case R 2250/2016-4), concerning an application for registration of a shape as an EU figurative mark.