

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.

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 6 September 2017 (Case R-2250/2016).*
2. *Orders EUIPO to pay the costs, including the costs necessarily incurred by Grammer AG for the purposes of the proceedings before the Board of Appeal of EUIPO.*

(¹) OJ C 22, 22.1.2018.

Judgment of the General Court of 21 March 2019 –Pan v EUIPO — Entertainment One UK (TOBBIA)

(Case T-777/17) (¹)

(EU trade mark — Invalidity proceedings — EU figurative mark TOBBIA — Earlier EU figurative mark Peppa Pig — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and Article 60(1)(a) of Regulation (EU) 2017/1001)

(2019/C 155/50)

Language of the case: English

Parties

Applicant: Xianhao Pan (Rome, Italy) (represented by: M. Oliva, lawyer)

Defendant: European Union Intellectual Property Office (represented by: D. Walicka and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Entertainment One UK Ltd (London, United Kingdom) (represented by: J. Guise, L. Cassidy and N. Rose, Solicitors)

Other party to the proceedings before the Board of Appeal of EUIPO: Astley Baker Davies Ltd (London, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 14 September 2017 (Case R 1776/2016-1), relating to invalidity proceedings between, on the one hand, Entertainment One UK and Astley Baker Davies, and, on the other hand, Mr Xianhao.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Mr Xianhao Pan to pay the costs.*

(¹) OJ C 22, 22.1.2018.