

Judgment of the General Court of 12 July 2019 — *Café del Mar and Others v EUIPO — Guiral Broto (Café del Mar)*

(Case T-773/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark *Café del Mar* — Absolute ground for refusal — *Bad faith* — Article 52(1)(b) of Regulation (EC) No 207/2009 (now Article 59(1)(b) of Regulation (EU) 2017/1001))

(2019/C 305/51)

Language of the case: Spanish

Parties

Applicants: Café del Mar, SC (Sant Antoni de Portmany, Spain), José Les Viamonte (Sant Antoni de Portmany) and Carlos Andrea González (Sant Josep de sa Talaia, Spain) (represented by: F. Miazzetto and J. Gracia Alberó, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Ramón Guiral Broto (Marbella, Spain) (represented by: J. de Castro Hermida, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 4 September 2017 (Case R 1542/2015-5), relating to invalidity proceedings between, on the one hand, Café del Mar, Mr Les Viamonte and Mr Andrea González and, on the other, Mr Guiral Broto.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fifth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 4 September 2017 (Case R 1542/2015-5).*
2. *Orders EUIPO to bear its own costs and to pay those incurred by Café del Mar SC, Mr José Les Viamonte and Mr Carlos Andrea González in the proceedings before the General Court.*
3. *Orders Mr Ramón Guiral Broto to bear his own costs and to pay those incurred by Café del Mar, Mr Les Viamonte and Mr Andrea González in the proceedings before the Board of Appeal.*

⁽¹⁾ OJ C 22, 22.1.2018.
