

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Fifth Chamber) of 11 November 2020 — European Union Intellectual Property Office v John Mills Ltd, Jerome Alexander Consulting Corp.

(Case C-809/18 P) ⁽¹⁾

(Appeal — EU trade mark — Regulation (EC) No 207/2009 — Opposition proceedings — Relative ground for refusal — Article 8(3) — Scope — Identity or similarity of the mark applied for to the earlier mark — EU word mark MINERAL MAGIC — Application for registration by the agent or representative of the proprietor of the earlier mark — Earlier national word mark MAGIC MINERALS BY JEROME ALEXANDER)

(2021/C 19/02)

Language of the case: English

Parties

Appellant: European Union Intellectual Property Office (represented by: A. Lukošiušė, acting as Agent)

Other parties to the proceedings: John Mills Ltd (represented by: S. Malynicz QC), Jerome Alexander Consulting Corp.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the General Court of the European Union of 15 October 2018, *John Mills v EUIPO — Jerome Alexander Consulting (MINERAL MAGIC)* (T-7/17, EU:T:2018:679);
2. Dismisses the action in Case T-7/17, brought by John Mills Ltd against the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 5 October 2016 (Case R 2087/2015-1);
3. Orders John Mills Ltd to pay, in addition to its own costs, the costs incurred by the European Union Intellectual Property Office (EUIPO) relating to the present appeal and to the proceedings before the General Court, and those incurred by Jerome Alexander Consulting Corp. relating to the proceedings before the General Court.

⁽¹⁾ OJ C 148, 29.4.2019.