

Judgment of the General Court of 17 January 2019 — Equity Cheque Capital Corporation v EUIPO (DIAMOND CARD)

(Case T-91/18) ⁽¹⁾

(EU trade mark — Application for EU figurative mark DIAMOND CARD — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)

(2019/C 93/77)

Language of the case: English

Parties

Applicant: Equity Cheque Capital Corporation (Victoria, Canada) (represented by: I. Berkeley, Barrister, P. Wheeler and C. Rani, Solicitors)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 14 December 2017 (Case R 1544/2017-4), relating to an application for registration of the figurative sign DIAMOND CARD as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Equity Cheque Capital Corporation to pay the costs.

⁽¹⁾ OJ C 134, 16.4.2018.

Judgment of the General Court of 17 January 2019 — ETI Gıda Sanayi ve Ticaret v EUIPO — Grupo Bimbo (ETI Bumbo)

(Case T-368/18) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for EU word mark ETI Bumbo — Earlier EU figurative mark BIMBO — Relative ground for refusal — Likelihood of confusion — Relevant public — Similarity of the signs — Distinctiveness of the earlier mark — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 93/78)

Language of the case: Spanish

Parties

Applicant: ETI Gıda Sanayi ve Ticaret AŞ (Eskişehir, Turkey) (represented by: D. Cañadas Arcas, P. Merino Baylos, D. Gómez Sánchez and N. Martínez de las Rivas Malagón, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Grupo Bimbo, SAB de CV (Mexico, Mexico) (represented by: N. A. Fernández-Fernández-Pacheco, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 11 April 2018 (Case R 1459/2017-1), relating to opposition proceedings between Grupo Bimbo and ETI Gıda Sanayi ve Ticaret.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders ETI Gıda Sanayi ve Ticaret AŞ to pay the costs.

(¹) OJ C 276, 6.8.2018.

Order of the General Court of 16 January 2019 — Theodorakidi v EUIPO — Benopoulou (THYREOS VASSILIKI)

(Case T-160/18) (¹)

(EU trade mark — Invalidity proceedings — EU figurative mark THYREOS VASSILIKI — Declaration of invalidity — Right to the name Vassiliki in Greece — Relative ground for invalidity regarding the infringement of the right to a name — Article 60(2)(a) of Regulation (EU) 2017/1001 — Action manifestly lacking any foundation in law)

(2019/C 93/79)

Language of the case: English

Parties

Applicant: Vassiliki Theodorakidi (Veroia, Greece) (represented by: F. Ikonomidou Ikonomidou, lawyer)

Defendant: European Union Intellectual Property Office (represented by: E. Markakis, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Vassiliki Benopoulou (Kifissia, Greece)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 December 2017 (Case R 40/2017-4), relating to invalidity proceedings between Ms Benopoulou and Ms Theodorakidi.

Operative part of the order

1. The action is dismissed.
2. Ms Vassiliki Theodorakidi shall bear her own costs and pay those of the European Union Intellectual Property Office (EUIPO).

(¹) OJ C 152, 30.4.2018.

Order of the General Court of 23 January 2019 — MLPS v Commission

(Case T-304/18) (¹)

(Action for annulment and for failure to act — Decision to take no further action on a complaint — Refusal by the Commission to institute proceedings under Article 7 TEU — Act not open to challenge — No direct concern — Inadmissibility)

(2019/C 93/80)

Language of the case: French

Parties

Applicant: Mouvement pour la liberté de la protection sociale (MLPS) (Paris, France) (represented by: M. Gibaud, lawyer)