

Judgment of the General Court of 12 July 2019 — mobile.de v EUIPO — Droujestvo S Ogranichena Otgovornost 'Rezon' (mobile.ro)

(Case T-412/18) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark mobile.ro — Earlier national figurative mark mobile — Genuine use of the earlier mark — Article 18 of Regulation (EU) 2017/1001 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation 2017/1001)

(2019/C 305/63)

Language of the case: English

Parties

Applicant: mobile.de GmbH (Dreilinden, Germany) (represented by: T. Lührig, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Droujestvo S Ogranichena Otgovornost 'Rezon' (Sofia, Bulgaria) (represented by: M. Yordanova-Harizanova and V. Grigorova, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 29 March 2018 (Case R 111/2015-1), relating to invalidity proceedings between Droujestvo S Ogranichena Otgovornost 'Rezon' and mobile.de.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders mobile.de GmbH to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Droujestvo S Ogranichena Otgovornost 'Rezon'.*

⁽¹⁾ OJ C 294, 20.8.2018.

Judgment of the General Court of 12 July 2019 — Audimas v EUIPO — Audi (AUDIMAS)

(Case T-467/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Figurative mark AUDIMAS — Earlier EU word mark AUDI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 305/64)

Language of the case: German

Parties

Applicant: Audimas AB (Kaunas, Lithuania) (represented by G. Domkutė-Lukauskienė, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 May 2018 (Case R 2425/2017-2) relating to opposition proceedings between Audi and Audimas.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Audimas AB to pay the costs.*

(¹) OJ C 341, 24.9.2018.

Judgment of the General Court of 26 June 2019 — Balani Balani and Others v EUIPO — Play Hawkers (HAWKERS)

(Case T-651/18) (¹)

(EU trade mark — Opposition proceedings — Application for EU figurative mark HAWKERS — Earlier EU figurative mark HAWKERS — Relative ground for refusal — Article 8(5) of Regulation (EU) 2017/1001)

(2019/C 305/65)

Language of the case: Spanish

Parties

Applicants: Sonu Gangaram Balani Balani (Las Palmas de Gran Canaria, Spain), Anup Suresh Balani Shivdasani (Las Palmas de Gran Canaria) and Amrit Suresh Balani Shivdasani (Las Palmas de Gran Canaria) (represented by: A. Díaz Marrero, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Crespo Carrillo and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Play Hawkers, SL (Elche, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 2 August 2018 (Case R 396/2018-2), relating to opposition proceedings between Play Hawkers, on the one side, and Mr Balani Balani, Mr Balani Shivdasani and Mr Balani Shivdasani, on the other side.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Sonu Gangaram Balani Balani, Anup Suresh Balani Shivdasani and Amrit Suresh Balani Shivdasani to pay the costs.*

(¹) OJ C 4, 7.1.2019.