

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Volkswagen AG (Wolfsburg, Germany) (represented by: F. Thiering and L. Steidle, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 12 July 2018 (Case R 128/2018-4) relating to opposition proceedings between Volkswagen and Local-e-motion.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Local-e-motion to pay the costs.*

⁽¹⁾ OJ C 427, 26.11.2018.

Judgment of the General Court of 15 October 2019 — Boxer Barcelona v EUIPO — X-Technology Swiss (XBOXER BARCELONA)

(Case T-582/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark XBOXER BARCELONA — Earlier EU figurative mark representing the letter ‘x’ — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001 — Genuine use of the earlier mark — Evidence — Article 18(1)(a) of Regulation 2017/1001 — Article 47(2) of Regulation 2017/1001 — Restriction of the application for registration before the Board of Appeal — Article 49(1) of Regulation 2017/1001)

(2019/C 432/57)

Language of the case: Spanish

Parties

Applicant: Boxer Barcelona, SL (Barcelona, Spain) (represented by: A. Canela Giménez, lawyer)

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: X-Technology Swiss GmbH (Wollerau, Switzerland) (represented by: A. Zafar, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 12 July 2018 (Case R 2186/2017-5), relating to opposition proceedings between X-Technology Swiss and Boxer Barcelona.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Boxer Barcelona, SL to pay the costs.*

⁽¹⁾ OJ C 427, 26.11.2018.

Judgment of the General Court of 17 October 2019 — E.I. Papadopoulos v EUIPO — Europastry (fripan VIENNOISERIE CAPRICE Pur Beurre)

(Case T-628/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for European Union figurative mark fripan VIENNOISERIE CAPRICE Pur Beurre — Earlier EU figurative mark Caprice — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2019/C 432/58)

Language of the case: English

Parties

Applicant: Viomichania mpiskoton kai eidon diatrofis E.I. Papadopoulos SA (Moschato-Tavros, Greece) (represented by: C. Chrysanthis, P.V. Chardalia and A. Vasilogamvrou, lawyers)

Defendant: European Union Intellectual Property Office (represented by: L. Lapinskaite, 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: Europastry, SA (Sant Cugat del Vallès, Spain) (represented by: L. Estropá Navarro, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 8 August 2018 (Case R 493/2018-5), relating to opposition proceedings between Viomichania mpiskoton kai eidon diatrofis E.I. Papadopoulos and Europastry.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Viomichania mpiskoton kai eidon diatrofis E.I. Papadopoulos SA to pay the costs.*

⁽¹⁾ OJ C 455, 17.12.2018.