

Judgment of the General Court of 28 May 2020 — Galletas Gullón v EUIPO — Intercontinental Great Brands (gullón TWINS COOKIE SANDWICH)

(Case T-677/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark gullón TWINS COOKIE SANDWICH — Earlier EU figurative mark OREO — Relative ground for refusal — Damage to reputation — Article 8(5) of Regulation (EU) 2017/1001)

(2020/C 230/32)

Language of the case: Spanish

Parties

Applicant: Galletas Gullón, SA (Aguilar de Campoo, Spain) (represented by: S. Martínez-Almeida y Alejos-Pita and M. Corbal San Adrián, lawyers)

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: Intercontinental Great Brands LLC (East Hanover, New Jersey, United States) (represented by: C. Duch Fonoll, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 5 September 2018 (Case R 2378/2017-2) relating to opposition proceedings between Intercontinental Great Brands and Galletas Gullón.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Galletas Gullón, SA, to bear its own costs and to pay those incurred in the present proceedings by the European Union Intellectual Property Office (EUIPO) and by Intercontinental Great Brands LLC.

⁽¹⁾ OJ C 35, 28.1.2019.

Judgment of the General Court of 28 May 2020 — Korporaciya 'Masternet' v EUIPO — Stayer Ibérica (STAYER)

(Case T-681/18) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark STAYER — Genuine use of the trade mark — Article 18(1) and Article 58(1)(a) of Regulation (EU) 2017/1001 — Proof of genuine use — Categorisation of the goods in connection with which genuine use has been proved)

(2020/C 230/33)

Language of the case: English

Parties

Applicant: ZAO Korporaciya 'Masternet' (Moscow, Russia) (represented by: N. Bürglen, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Stayer Ibérica, SA (Pinto, Spain)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 7 September 2018 (Case R 1940/2017-5), relating to revocation proceedings between Korporaciya 'Masternet' and Stayer Ibérica.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C 25, 21.1.2019.

Judgment of the General Court of 28 May 2020 — Consejo Regulador 'Jamón de Teruel/Paleta de Teruel' v EUIPO — Airesano Foods (AIRESANO BLACK El ibérico de Teruel)

(Case T-696/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark AIRESANO BLACK El ibérico de Teruel — Earlier EU figurative mark JAMON DE TERUEL CONSEJO REGULADOR DE LA DENOMINACION DE ORIGEN — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 230/34)

Language of the case: Spanish

Parties

Applicant: Consejo Regulador de la Denominación de Origen Protegida 'Jamón de Teruel/Paleta de Teruel' (Teruel, Spain) (represented by F. Pérez Álvarez and J. Pérez Itarte, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. F. 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: Airesano Foods, SL (La Puebla de Valverde, Spain) (represented by: J. Sanmartín, lawyer)

Intervener in support of the applicant: Kingdom of Spain (represented by: L. Aguilera Ruiz and M. J. Ruiz Sánchez, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 September 2018 (Case R 88/2018-4), concerning opposition proceedings between Consejo Regulador de la Denominación de Origen Protegida 'Jamón de Teruel/Paleta de Teruel' and Airesano Foods.

Operative part of the judgment

The Court:

1. Dismisses the action;