

**Judgment of the General Court of 28 November 2019 — Soundio v EUIPO — Telefónica Germany (Vibble)**(Case T-665/18) <sup>(1)</sup>**(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark Vibble — Earlier German word mark vybe — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)**

(2020/C 27/39)

Language of the case: English

**Parties***Applicant:* Soundio A/S (Drammen, Norway) (represented by: N. Köster and J. Albers, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: D. Gája and H. O'Neill, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Telefónica Germany GmbH & Co. OHG (Düsseldorf, Germany) (represented by: P. Neuwald, lawyer)**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 4 September 2018 (Case R 721/2018-5), relating to opposition proceedings between E-Plus Mobilfunk GmbH and Soundio.

**Operative part of the judgment**

The Court:

1. *Dismisses the action.*
2. *Orders Soundio A/S to pay the costs.*

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<sup>(1)</sup> OJ C 16, 14.1.2019.

**Judgment of the General Court of 28 November 2019 — Mélin v Parliament**(Case T-726/18) <sup>(1)</sup>**(Law governing the institutions — Rules governing expenses and allowances payable to Members of the European Parliament — Parliamentary assistance allowance — Recovery of sums unduly paid — Obligation to state reasons — Failure to provide the annex to the decision ordering recovery)**

(2020/C 27/40)

Language of the case: French

**Parties***Applicant:* Joëlle Melin (Aubagne, France) (represented by: F. Wagner, lawyer)*Defendant:* European Parliament (represented by: S. Seyr and M. Ecker, acting as Agents)

**Re:**

Action based on Article 263 TFEU seeking annulment of the Decision of the Secretary General of the Parliament of 4 October 2018 concerning the recovery from the applicant of a sum of EUR 1 30 339,35 unduly paid as parliamentary assistance and the corresponding debit note of 10 October 2018.

**Operative part of the judgment**

The Court:

- 1) *Annuls the decision of the Secretary General of the European Parliament of 4 October 2018 concerning the recovery from Joëlle Mélin of a sum of EUR 1 30 339,35 unduly paid as parliamentary assistance and of the corresponding debit note of 10 October 2018;*
- 2) *Orders the Parliament to pay the costs.*

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(<sup>1</sup>) (1) OJ C 65, 18.2.2019.

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**Judgment of the General Court of 28 November 2019 — Runnebaum Invest v EUIPO — Berg Toys Beheer (Bergsteiger)**

(Case T-736/18) (<sup>1</sup>)

*(EU trade mark — Opposition proceedings — Application for the EU word mark Bergsteiger — Earlier Benelux word marks and EU figurative and word marks BERG — Relative ground for refusal — Article 47(1) and (2) of Regulation (EU) 2017/1001 — Admissibility of a request for proof of genuine use — No likelihood of confusion — Article 8(1)(b) of Regulation 2017/1001)*

(2020/C 27/41)

Language of the case: English

**Parties**

*Applicant:* Runnebaum Invest GmbH (Diepholz, Germany) (represented by: W. Prinz, 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:* Berg Toys Beheer BV (Ede, Netherlands) (represented by: E. van Gelderen, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 22 October 2018 (Case R 572/2018-4) relating to opposition proceedings between Berg Toys Beheer and Runnebaum Invest.