

Defendant: European Union Intellectual Property Office (represented by: E. Śliwińska and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: E-Gab NV (Ternat, Belgium)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 5 September 2018 (Case R 18 34/2017-2), relating to opposition proceedings between E-Gab and Showroom.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Showroom sp. z o.o. to pay the costs.*

(¹) OJ C 25, 21.1.2019.

Judgment of the General Court of 19 September 2019 — La Caixa v EUIPO — Imagic Vision (imagin bank)

(Case T-761/18) (¹)

(EU trade mark — Opposition proceedings — Application for EU figurative mark imagin bank — Earlier national figurative mark imagic — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2019/C 399/70)

Language of the case: Spanish

Parties

Applicant: Fundació bancaria caixa d'estalvis i pensions de Barcelona La Caixa (Palma de Mallorca, Spain) (represented by: I. Valdelomar Serrano, P. Román Maestre, D. Liern Cendrero, D. Gabarre Armengol and J.L. Rodríguez-Fuensalida, lawyers)

Defendant: European Union Intellectual Property Office (represented by: H. O'Neill, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Imagic Vision, SL (Madrid, Spain)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 22 October 2018 (Case R 1954/2017-4), relating to opposition proceedings between Imagic Vision and Fundació bancaria caixa d'estalvis i pensions de Barcelona La Caixa.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 22 October 2018 (Case R 1954/2017-4);*
2. *Orders EUIPO to bear its own costs and the costs incurred by Fundació́n bancaria caixa d'estalvis i pensions de Barcelona La Caixa.*

⁽¹⁾ OJ C 72, 25.2.2019.

**Judgment of the General Court of 11 September 2019 — Orkla Foods Danmark v EUIPO
(PRODUCED WITHOUT BOILING SCANDINAVIAN DELIGHTS ESTABLISHED 1834 FRUIT SPREAD)**

(Case T-34/19) ⁽¹⁾

(EU trade mark — Application for EU figurative mark PRODUCED WITHOUT BOILING SCANDINAVIAN DELIGHTS ESTABLISHED 1834 FRUIT SPREAD — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EU) 2017/1001)

(2019/C 399/71)

Language of the case: Danish

Parties

Applicant: Orkla Foods Danmark A/S (Taastrup, Denmark) (represented by: S. Hansen, lawyer)

Defendant: European Union Intellectual Property Office (represented by: J. Garcí́a Murillo and J.F. Crespo Carrillo, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 1 October 2018 (Case R 309/2018-2), relating to an application for registration of the figurative sign PRODUCED WITHOUT BOILING SCANDINAVIAN DELIGHTS ESTABLISHED 1834 FRUIT SPREAD as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Orkla Foods Danmark A/S to pay the costs.*

⁽¹⁾ OJ C 112, 25.3.2019.