

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Aldi Einkauf GmbH & Co. OHG (Essen, Germany) (represented by: N. Lützenrath, U. Rademacher, C. Fürsen and M. Minkner, lawyers)

**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 13 September 2018 (Case R 2113/2017-1), relating to opposition proceedings between Aldi Einkauf and ZPC Flis.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 13 September 2018 (Case R 2113/2017-1) in so far as it refuses registration of the mark applied for in respect of the following goods: 'coffee substitutes; tea; cocoa; cocoa products; chocolate-based beverages, all aforementioned goods also as instant form', with the exception of cocoa as regards the latter;
2. Upholds the opposition in respect of all the goods and services referred to in the application for registration, with the exception of the services in Class 35 corresponding to the following description: 'Retailing or wholesaling of cookie molds; wholesaling and retailing of cookie molds via the internet';
3. Dismisses the action as to the remainder;
4. Orders each party to bear its own costs.

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(<sup>1</sup>) OJ C 44, 4.2.2019.

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**Judgment of the General Court of 17 October 2019 — United States Seafoods v EUIPO — (UNITED STATES SEAFOODS)**

(Case T-10/19) (<sup>1</sup>)

**(EU trade mark — International registration designating the European Union — Figurative mark UNITED STATES SEAFOODS — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EU) 2017/1001)**

(2019/C 432/61)

Language of the case: English

**Parties**

**Applicant:** United States Seafoods LLC (Seattle, Washington, United States) (represented by: C. Spintig, S. Pietzcker and M. Prasse, lawyers)

**Defendant:** European Union Intellectual Property Office (represented by: J. Ivanauskas and H. O'Neill, Agents)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 11 October 2018 (Case R 817/2018-5), relating to the international registration designating the European Union in respect of the figurative mark UNITED STATES SEAFOODS.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders United States Seafoods LLC to bear its own costs and pay those incurred by EUIPO.*

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(<sup>1</sup>) OJ C 93, 11.3.2019.

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**Judgment of the General Court of 24 October 2019 — MSI Svetovanje v EUIPO — Industrial Farmaceutica Cantabria (nume)**

(Case T-41/19) (<sup>1</sup>)

**(EU trade mark — Opposition proceedings — Application for the EU figurative mark nume — Earlier EU word mark numederm — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)**

(2019/C 432/62)

*Language of the case: English*

**Parties**

*Applicant:* MSI Svetovanje, marketing, d.o.o. (Vrhniko, Slovenia) (represented by: M. Maček, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: K. Kompari and H. O'Neill, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Industrial Farmaceutica Cantabria, SA (Madrid, Spain)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 8 November 2018 (Case R 722/2018-5), relating to opposition proceedings between Industrial Farmaceutica Cantabria and Nutrismart d.o.o.

**Operative part of the judgment**

The Court:

1. *Dismisses the action;*
2. *Orders MSI Svetovanje, marketing, d.o.o. to pay the costs.*

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(<sup>1</sup>) OJ C 112, 25.3.2019.