

Judgment of the General Court of 28 May 2020 — Martínez Albainox v EUIPO — Taser International (TASER)

(Case T-342/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark TASER — Earlier EU word marks TASER — Relative grounds for refusal — Detriment to reputation — Unfair advantage taken of the distinctive character or the repute of the earlier trade mark — Article 8(5) of Regulation (EU) 2017/1001)

(2020/C 230/42)

Language of the case: English

Parties

Applicant: Martínez Albainox, SL (Albacete, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Taser International, Inc. (Scottsdale, Arizona, United States)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 March 2019 (Case R 1576/2018-4), relating to invalidity proceedings between Taser International and Martínez Albainox.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Martínez Albainox, SL to pay the costs.

⁽¹⁾ OJ C 255, 29.7.2019.

Judgment of the General Court of 28 May 2020 — Workplace Group v EUIPO — Technopolis Holding (UMA WORKSPACE)

(Case T-506/19) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark UMA WORKSPACE — Earlier EU figurative mark and earlier UK figurative and word marks WORKSPACE — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 230/43)

Language of the case: English

Parties

Applicant: Workplace Group plc (London, United Kingdom) (represented by: N. Hine, Solicitor)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Technopolis Holding Oyj (Oulu, Finland) (represented by: E. Skrzydło-Tefelska and K. Gajek, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 13 May 2019 (Case R 1910/2018-4) relating to opposition proceedings between Workspace Group and Technopolis Holding.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Workspace Group plc to pay the costs.

⁽¹⁾ OJ C 288, 26.8.2019.

Judgment of the General Court of 28 May 2020 —Lozano Arana and Others v EUIPO — Coltejer (LIBERTADOR)

(Case T-564/19) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU word mark LIBERTADOR — Genuine use of the mark — Article 58(1)(a) of Regulation (EU) 2017/1001 — Right to be heard — Article 94 of Regulation 2017/1001 — Due notification — Article 60 of Delegated Regulation (EU) 2017/1430 (now Article 60 of Delegated Regulation (EU) 2018/625) — Failure to produce proof of genuine use of the mark within the time limit prescribed — Article 19(1) of Delegated Regulation 2017/1430 (now Article 19(1) of Delegated Regulation 2018/625)

(2020/C 230/44)

Language of the case: English

Parties

Applicants: Antonio Lozano Arana (Cali, Colombia), Daniel Simon Benmaor (Marseilles, France), Marion Esther Benmaor (Marseilles), Valérie Brigitte Danielle Servant (Marrakesh, Morocco) (represented by: M. Angelier, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Coltejer SA (Itagüí, Colombia)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 20 June 2019 (Case R 2482/2018-4), relating to revocation proceedings between Coltejer and Mr Albert Benmaor and Mr Lozano Arana.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Antonio Lozano Arana, Mr Daniel Simon Benmaor, Ms Marion Esther Benmaor and Ms Valérie Brigitte Danielle Servant to pay the costs.

⁽¹⁾ OJ C 337, 7.10.2019.