

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Embutidos Monells, SA (San Miguel de Balenya, Spain) (represented by: L. Broschat García and L. Polo Flores, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 24 July 2019 (Case R 1728/2018-4), relating to opposition proceedings between Sánchez Romero Carvajal Jabugo and Embutidos Monells.

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 24 July 2019 (Case R 1728/2018-4);
2. Dismisses the action as to the remainder;
3. Orders EUIPO and Embutidos Monells, SA to bear their respective costs and to each pay half of the costs incurred by Sánchez Romero Carvajal Jabugo, SAU.

⁽¹⁾ OJ C 383, 11.11.2019.

Judgment of the General Court of 2 December 2020 — inMusic Brands v EUIPO — Equipson (Marq)
(Case T-687/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark Marq — Earlier national and international figurative marks MARK — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Declaration of partial invalidity)

(2021/C 28/64)

Language of the case: English

Parties

Applicant: inMusic Brands, Inc. (Cumberland, Rhode Island, United States) (represented by: D. Rose, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: G. Sakalaitė-Orlovskienė and J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Equipson, SA (Silla, Spain)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 30 July 2019 (Case R 1759/2018-5), relating to invalidity proceedings between Equipson and inMusic Brands.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders inMusic Brands, Inc., to pay the costs.

⁽¹⁾ OJ C 399, 25.11.2019.