

GENERAL COURT

Judgment of the General Court of 25 June 2020 — Off-White v EUIPO (OFF-WHITE)

(Case T-133/19) ⁽¹⁾

(EU trade mark — Application for EU figurative mark OFF-WHITE — Partial rejection of the application for registration — Absolute grounds for refusal — Descriptive character — No distinctive character — Name of a colour — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001)

(2020/C 287/50)

Language of the case: English

Parties

Applicant: Off-White LLC (Springfield, Illinois, United States) (represented by: M. Decker, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Crawcour, J. Crespo Carrillo and H. O'Neill, acting as Agents)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 14 December 2018 (Case R-580/2018-2), concerning an application for registration of the figurative sign OFF-WHITE as an EU trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 14 December 2018 (Case R-580/2018-2), in so far as it refused registration as an EU trade mark of the figurative sign OFF-WHITE in respect of the goods in Classes 9 and 20 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised and amended, and for 'watches; wall clocks; horological and chronometric instruments; watch bands; watch cases; presentation boxes for watches; jewelry cases' and 'precious stones, semi-precious stones' in Class 14;
2. Orders EUIPO to bear its own costs and to pay those incurred by Off-White LLC, including the expenses necessarily incurred for the purpose of the appeal proceedings before the Board of Appeal of EUIPO.

⁽¹⁾ OJ C 139, 15.4.2019.

Order of the General Court of 11 June 2020 — Perfect Bar v EUIPO (PERFECT BAR)

(Case T-553/19) ⁽¹⁾

(Action for annulment — EU trade mark — Application for EU word mark PERFECT BAR — Absolute grounds for refusal — No distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EU) 2017/1001 — Decision taken following the annulment by the General Court of an earlier decision — Article 72(6) of Regulation 2017/1001 — Action manifestly lacking any foundation in law)

(2020/C 287/51)

Language of the case: English

Parties

Applicant: Perfect Bar LLC (San Diego, California, United States) (represented by: F. Miazetto, J.L. Gracia Albero, R. Seoane Lacayo and E. Cebollero González, lawyers)

Defendant: European Union Intellectual Property Office (represented by: M. Capostagno, agent)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 22 May 2019 (Case R 371/2019-5), relating to the application for registration of the word sign PERFECT BAR as an EU trade mark.

Operative part of the order

1. Dismisses the action as manifestly lacking any foundation in law.
2. Orders Perfect Bar LLC to pay the costs.

⁽¹⁾ OJ C 337, 7.10.2019.

Order of the General Court of 10 June 2020 — Golden Omega v Commission

(Case T-846/19) ⁽¹⁾

(Action for annulment — Customs union — Common Customs Tariff — Tariff nomenclature — Classification in the Combined Nomenclature — Regulatory act entailing implementing measures — Lack of individual concern — Inadmissibility)

(2020/C 287/52)

Language of the case: Dutch

Parties

Applicant: Golden Omega, SA (Santiago, Chili) (represented by: S. Moolenaar, lawyer)

Defendant: European Commission (represented by: W. Roels and M. Salyková, acting as Agents)

Re:

Application based on Article 263 TFEU seeking annulment of Commission Implementing Regulation (EU) 2019/1661 of 24 September 2019 concerning the classification of certain goods in the Combined Nomenclature (OJ 2019 L 251, p. 1).

Operative part of the order

1. The action is dismissed as inadmissible.
2. Golden Omega, SA is ordered to pay the costs.

⁽¹⁾ OJ C 61, 24.2.2020.

Action brought on 2 June 2020 — Denmark v Commission

(Case T-364/20)

(2020/C 287/53)

Language of the case: Danish

Parties

Applicant: Kingdom of Denmark (represented by: J. Nymann-Lindegren and M. Wolff, acting as Agents, and R. Holdgaard and J. Pinborg, lawyers)

Defendant: European Commission