

**Judgment of the General Court of 20 January 2021 — Palírna U Zeleného stromu v EUIPO — Bacardi (BLEND 42 FIRST CZECH BLENDED VODKA)**

(Case T-831/19) <sup>(1)</sup>

*(EU trade mark — Opposition proceedings — Application for EU figurative mark BLEND 42 FIRST CZECH BLENDED VODKA — Earlier EU word mark and international figurative mark 42 BELOW — Relative ground for refusal — Likelihood of confusion — Relevant public — Similarity of the goods and services — Similarity of the signs — Global assessment of the likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))*

(2021/C 88/39)

Language of the case: English

**Parties**

*Applicant:* Palírna U Zeleného stromu a.s. (Ústí nad Labem, Czech Republic) (represented by: T. Chleboun, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: J. Ivanauskas and V. Ruzek, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Bacardi & Co. Ltd (Meyrin, Switzerland) (represented by: A. Parassina, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 5 September 2019 (Case R 2533/2018-2), relating to opposition proceedings between Bacardi & Co. and Palírna U Zeleného stromu.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Palírna U Zeleného stromu a.s. to pay the costs.

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<sup>(1)</sup> OJ C 54, 17.2.2020.

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**Judgment of the General Court of 27 January 2021 — Eggy Food v EUIPO (EGGY FOOD)**

(Case T-287/20) <sup>(1)</sup>

*(EU trade mark — Application for EU figurative mark EGGY FOOD — Absolute ground for refusal — Descriptiveness — Article 7(1)(c) of Regulation (EU) 2017/1001)*

(2021/C 88/40)

Language of the case: German

**Parties**

*Applicant:* Eggy Food GmbH & Co. KG (Osnabrück, Germany) (represented by: J. Eberhardt, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: E. Markakis, acting as Agent)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 9 March 2020 (Case R 1316/2019-5) concerning an application for registration of the figurative sign EGGY FOOD as an EU trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Eggy Food GmbH & Co KG to pay the costs.

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<sup>(1)</sup> OJ C 222, 6.7.2020.

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**Order of the General Court of 20 January 2021 — Junqueras i Vies v Parliament**

(Case T-734/19) <sup>(1)</sup>

*(Action for annulment — Institutional law — Member of Parliament — Privileges and immunities — Request for an urgent initiative to confirm the immunity of a Member of the European Parliament — Act not open to challenge — Inadmissibility)*

(2021/C 88/41)

*Language of the case: Spanish*

**Parties**

*Applicant:* Oriol Junqueras i Vies (Sant Joan de Vilatorrada, Spain) (represented by: A. Van den Eynde Adroer, lawyer)

*Defendant:* European Parliament (represented by: F. Drexler, N. Görlitz and C. Burgos, acting as Agents)

**Re:**

Application based on Article 263 TFEU seeking annulment of the letter of 22 August 2019 by which the President of the Parliament rejected the request to take an urgent initiative seeking to confirm the applicant's immunity, made on 4 July 2019 on his behalf by Ms Riba i Giner, Member of the European Parliament, on the basis of Article 8 of the Parliament's Rules of Procedure.

**Operative part of the judgment**

The Court:

1. Dismisses the action as inadmissible;
2. Rules that there is no longer any need to adjudicate on the Kingdom of Spain's application to intervene;
3. Orders Mr Oriol Junqueras i Vies to bear his own costs and to pay those incurred by the European Parliament;
4. Orders the Kingdom of Spain to bear its costs relating to its application to intervene.

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<sup>(1)</sup> OJ C 432, 23.12.2019.