

**Judgment of the General Court of 12 January 2022 — 1031023 B.C. v EUIPO — Bodegas San Valero
(Representation of a circle drawn by a brush)**

(Case T-366/20) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for an EU figurative mark representing a circle drawn by a brush — Earlier national figurative mark ORIGIUM 1944 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2022/C 119/44)

Language of the case: Spanish

Parties

Applicant: 1031023 B.C. Ltd (Richmond, British Columbia, Canada) (represented by: M. González Gordon, 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, intervener before the General Court: Bodegas San Valero, S. Coop. (Cariñena, Spain) (represented by: J. García Domínguez, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 9 March 2020 (Case R 2142/2019-1) relating to opposition proceedings between Bodegas San Valero and 1031023 B.C.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders 1031023 B.C. Ltd to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO) and by Bodegas San Valero, S. Coop.

⁽¹⁾ OJ C 255, 3.8.2020.

Judgment of the General Court of 19 January 2022 — Tecnica Group v EUIPO — Zeitneu (Shape of a boot)

(Case T-483/20) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU three-dimensional mark — Shape of a boot — Declaration of partial invalidity — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 (now Article 7(1)(b) of Regulation (EU) 2017/1001) — Decisions of EU trade mark courts ruling on an action for a declaration of non-infringement — Res judicata)

(2022/C 119/45)

Language of the case: English

Parties

Applicant: Tecnica Group SpA (Gavera del Montello, Italy) (represented by: C. Sala, lawyer)

Defendant: European Union Intellectual Property Office (represented by: A. Söder and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Zeitneu GmbH (Zürich, Switzerland) (represented by: K. Dumoulin, F. Hagemann, M. Giorelli and M. Venturello, lawyers)