

Defendant: European Union Intellectual Property Office (represented by: J. Schäfer, D. Stoyanova-Valchanova and E. Markakis, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Vaillant GmbH (Remscheid, Germany) (represented by: S. Abrar, lawyer)

Re:

By its action based on Article 263 TFEU, the applicant seeks annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 8 July 2021 (Case R 1875/2019-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Puma SE to pay the costs.

⁽¹⁾ OJ C 471, 22.11.2021.

Judgment of the General Court of 30 November 2022 — Mendes v EUIPO — Actial Farmaceutica (VSL3TOTAL)

(Case T-678/21) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark VSL3TOTAL — Earlier EU word mark VSL#3 — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the goods — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 (now Article 8(1)(b) and Article 60(1)(a) of Regulation (EU) 2017/1001))

(2023/C 35/64)

Language of the case: English

Parties

Applicant: Mendes SA (Lugano, Switzerland) (represented by: M. Cavattoni, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Actial Farmaceutica Srl (Rome, Italy) (represented by: M. Mostardini, F. Mellucci and F. Rombolà, lawyers)

Re:

By its action based on Article 263 TFEU, the applicant seeks the annulment of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 17 August 2021 (Case R 1568/2020-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mendes SA to pay the costs.

⁽¹⁾ OJ C 502, 13.12.2021.