



C/2024/3468

10.6.2024

Judgment of the General Court of 17 April 2024 – Unilab v EUIPO – Cofares (Healthily)

(Case T-288/23) ⁽¹⁾

(EU trade mark – Opposition proceedings – Application for the EU figurative mark Healthily – Earlier EU figurative mark Healthies – Relative ground for refusal – Likelihood of confusion – Article 8(1)(b) of Regulation (EU) 2017/1001 – Obligation to state reasons – Article 94(1) of Regulation 2017/1001 – Legitimate expectations)

(C/2024/3468)

Language of the case: English

Parties

Applicant: Unilab LP (Rockville, Maryland, United States) (represented by: M. Kondrat, lawyer)

Defendant: European Union Intellectual Property Office (represented by: K. Misztal and J. Ivanauskas, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Cofares, Sociedad Cooperativa Farmaceutica Española (Madrid, Spain)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment and the alteration of the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 1 March 2023 (Case R 1959/2022-2).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Unilab LP and the European Union Intellectual Property Office (EUIPO) to bear their own respective costs.

⁽¹⁾ OJ C 252, 17.7.2023.