

**Judgment of the General Court of 29 September 2016 — Universal Protein Supplements v EUIPO
(Representation of a body builder)**

(Case T-335/15) ⁽¹⁾

**(EU trade mark — Application for registration of an EU figurative mark representing a body-builder —
Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)**

(2016/C 419/49)

Language of the case: English

Parties

Applicant: Universal Protein Supplements Corp. (New Brunswick, New Jersey, United States) (represented by: S. Malynicz QC)

Defendant: European Union Intellectual Property Office (represented by: initially by H. O'Neill, and subsequently by A. Folliard-Monguiral, acting as Agents)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 6 March 2015 (Case R 2958/2014-5) concerning an application for registration of a figurative sign representing a body-builder as an EU trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Universal Protein Supplements Corp. to pay the costs.

⁽¹⁾ OJ C 279, 24.8.2015.

**Judgment of the General Court of 29 September 2016 — Bach Flower Remedies v EUIPO —
Durapharma (RESCUE)**

(Case T-337/15) ⁽¹⁾

**(EU trade mark — Invalidity proceedings — EU word mark RESCUE — Absolute ground for refusal —
Descriptive character — No distinctive character acquired through use — Article 7(1)(c) and (3) of
Regulation (EC) No 207/2009 — Article 52(2) of Regulation No 207/2009)**

(2016/C 419/50)

Language of the case: English

Parties

Applicant: Bach Flower Remedies Ltd (Wimbledon, United Kingdom) (represented by: I. Fowler, Solicitor)

Defendant: European Union Intellectual Property Office (represented by: M. Simandlova and A. Schifko, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Durapharma ApS (Stenstrup, Denmark)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 26 March 2015 (Case R 2551/2013-1), relating to invalidity proceedings between Durapharma and Bach Flower Remedies.