

Judgment of the General Court of 20 September 2017 — Jordi Nogues v EUIPO — Grupo Osborne (BADTORO)

(Case T-386/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark BADTORO — Earlier EU figurative and word marks TORO — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Suspension of the administrative procedure — Rule 20(7)(c) of Regulation (EC) No 2868/95)

(2017/C 374/41)

Language of the case: Spanish

Parties

Applicant: Jordi Nogues, SL (Barcelona, Spain) (represented by: M. J. Sanmartín Sanmartín and E. López Parés, lawyers)

Defendant: European Union Intellectual Property Office (represented by J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Grupo Osborne, SA (El Puerto de Santa María, Spain) (represented by: J. M. Iglesias Monravá, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 17 April 2015 (Case R 2570/2013-2) relating to opposition proceedings between Grupo Osborne and Jordi Nogues.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 17 April 2013 (R 2570/2013-2);
2. Orders EUIPO to bear its own costs and to pay those incurred by Jordi Nogues, SL;
3. Orders Grupo Osborne, SA to bear its own costs.

⁽¹⁾ OJ C 320, 28.9.2015.

Judgment of the General Court of 22 September 2017 — Nara Tekstil Sanayi Ve Ticaret v EUIPO — NBC Fourth Realty Corp (NaraMaxx)

(Case T-586/15) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU figurative mark NaraMaxx — Earlier national word mark MAXX — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2017/C 374/42)

Language of the case: English

Parties

Applicant: Nara Tekstil Sanayi Ve Ticaret Anonim Sirketi (Osmangazi-Bursa, Turkey) (represented by: M. López Camba and L. Monzón de la Flor, lawyers)

Defendant: European Union Intellectual Property Office (represented by: S. Bonne, Agent)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: NBC Fourth Realty Corp. (North Las Vegas, Nevada, United States) (represented: initially by D. Stone and A. Dykes, and subsequently by A. Smith, Solicitors, and S. Malynicz QC)