

**Judgment of the General Court of 2 February 2017 — Mengozzi v EUIPO — Consorzio per la tutela dell'olio extravergine di oliva Toscano (TOSCORO)**

(Case T-510/15) <sup>(1)</sup>

*(EU trade mark — Invalidity proceedings — EU word mark TOSCORO — Earlier protected geographical indication 'Toscano' — Absolute ground for refusal — Article 142 of Regulation (EC) No 40/94 — Articles 13 and 14 of Regulation (EEC) No 2081/92 — Declaration of partial invalidity)*

(2017/C 078/34)

Language of the case: English

**Parties**

*Applicant:* Roberto Mengozzi (Monaco, Monaco) (represented by: T. Schuffenecker, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: A. Schifko and S. Crabbe, Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Consorzio per la tutela dell'olio extravergine di oliva Toscano IGP (Florence, Italy) (represented by: F. Albisinni, lawyer)

*Intervener in support of the defendant:* Italian Republic (represented by: G. Palmieri, Agent)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 5 June 2015 (Case R 322/2014-2), relating to invalidity proceedings between Consorzio per la tutela dell'olio extravergine di oliva Toscano IGP and Mr Mengozzi.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr Roberto Mengozzi to pay, in addition to his own costs, the costs incurred by the European Union Intellectual Property Office (EUIPO) and by Consorzio per la tutela dell'olio extravergine di oliva Toscano IGP;
3. Orders the Italian Republic to bear its own costs.

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<sup>(1)</sup> OJ C 354, 26.10.2015.

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**Judgment of the General Court of 2 February 2017 — Marcas Costa Brava v EUIPO — Excellent Brands JMI (Cremcaffé by Julius Meinl)**

(Case T-686/15) <sup>(1)</sup>

*(EU trade mark — Opposition proceedings — Application for EU figurative mark Cremcaffé by Julius Meinl — Earlier EU figurative mark café crem — Relative ground for refusal — Lack of genuine use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009)*

(2017/C 078/35)

Language of the case: English

**Parties**

*Applicant:* Marcas Costa Brava, SL (Sils, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)