

2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs, including those relating to the interim measures.

⁽¹⁾ OJ C 428, 21.11.2016.

Judgment of the General Court of 3 May 2018 — Gall Pharma v EUIPO — Pfizer (Styriagra)
(Case T-662/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark Styriagra — Earlier EU word mark VIAGRA — Taking unfair advantage of the distinctive character or repute of the earlier mark — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001))

(2018/C 221/20)

Language of the case: English

Parties

Applicant: Gall Pharma GmbH (Judenburg, Austria) (represented initially by: D. Reichelt and L. Figura, and subsequently by T. Schafft, lawyers)

Defendant: European Union Intellectual Property Office (represented by: D. Gája and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Pfizer Inc. (New York, New York, United States) (represented by: V. von Bomhard and J. Fuhrmann, lawyers)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 13 June 2016 (Case R 724/2015-5), relating to opposition proceedings between Pfizer and Gall Pharma.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Gall Pharma GmbH to pay the costs.

⁽¹⁾ OJ C 441, 28.11.2016.

Judgment of the General Court of 8 May 2018 — Luxottica Group v EUIPO — Chen (BeyBeni)
(Case T-721/16) ⁽¹⁾

(European Union trade mark — Opposition proceedings — Application for the EU figurative mark BeyBeni — Earlier national figurative mark Ray-Ban — Relative ground for refusal — Detriment to reputation — Article 8(5) of Regulation (EC) No 207/2009 (now Article 8(5) of Regulation (EU) 2017/1001))

(2018/C 221/21)

Language of the case: Spanish

Parties

Applicant: Luxottica Group SpA (Milan, Italy) (represented by: E. Ochoa Santamaría and I. Aparicio Martínez, lawyers)