

Judgment of the General Court of 19 June 2019 — adidas v EUIPO — Shoe Branding Europe (Representation of three parallel stripes)

(Case T-307/17) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark representing three parallel stripes — Absolute grounds for invalidity — No distinctive character acquired through use — Article 7(3) and Article 52(2) of Regulation (EC) No 207/2009 (now Article 7(3) and Article 59(2) of Regulation (EU) 2017/1001) — Form of use unable to be taken into account — Form that differs from the form under which the mark has been registered by significant variations — Inversion of the colour scheme)

(2019/C 288/58)

Language of the case: English

Parties

Applicant: adidas AG (Herzogenaurach, Germany) (represented by: I. Fowler and I. Junkar, Solicitors)

Defendant: European Union Intellectual Property Office (represented by: M. Rajh and H. O'Neill, Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Shoe Branding Europe BVBA (Oudenaarde; Belgium) (represented by: J. Løje, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 7 March 2017 (Case R 1515/2016-2), relating to invalidity proceedings between Shoe Branding Europe and Adidas.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders adidas AG to pay, in addition to its own costs, the costs incurred by the European Union Intellectual Property Office (EUIPO) and by Shoe Branding Europe BVBA;*
3. *Orders Marques to bear its own costs.*

⁽¹⁾ OJ C 231, 17.7.2017.
