

Trade mark at issue: European Union figurative mark containing the word elements 'C del M' — European Union trade mark No 5 889 126

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the Fifth Board of Appeal of EUIPO of 4 September 2017 in Case R 1618/2015-5

Form of order sought

The applicant claims that the Court should:

- annul the contested decision;
- declare the European Union figurative mark containing the word elements 'C del M' No 5 889 126 invalid;
- order the defendant to bear the costs of the present proceedings and the proprietor of the trade mark at issue to bear the costs of the proceedings before the Cancellation Division and the Boards of Appeal of EUIPO.

Plea in law

- Infringement of Article 52(1)(b) of Regulation No 2017/1001.

Action brought on 23 November 2017 — Pan v EUIPO — Entertainment One UK (TOBBIA)

(Case T-777/17)

(2018/C 022/82)

Language in which the application was lodged: English

Parties

Applicant: Xianhao Pan (Rome, Italy) (represented by: M. Oliva, lawyer)

Defendant: European Union Intellectual Property Office (EUIPO)

Other party to the proceedings before the Board of Appeal: Entertainment One UK Ltd (London, United Kingdom)

Details of the proceedings before EUIPO

Proprietor of the trade mark at issue: Applicant

Trade mark at issue: EU figurative mark containing the word element 'TOBBIA' — EU trade mark No 11 775 509

Procedure before EUIPO: Proceedings for a declaration of invalidity

Contested decision: Decision of the First Board of Appeal of EUIPO of 14 September 2017 in Case R 1776/2016-1

Form of order sought

The applicant claims that the Court should:

- annul in its entirety the contested decision.

Pleas in law

- Failure to state reasons, breach of the valuation method of the relationship between the brands as well as a lack of assessment as to the assessment of likelihood of confusion of the marks;

— Infringement of Article 8(b)(1) in relation to Article 53(2) of Regulation No 207/2009.

Order of the General Court of 22 November 2017 — Baradel and Others v FEI

(Case T-509/16) ⁽¹⁾

(2018/C 022/83)

Language of the case: French

The President of the Ninth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 274, 21.9.2013 (case initially registered at the European Union Civil Service Tribunal as Case F-72/13 and transferred to the General Court of the European Union on 1.9.2016).

Order of the General Court of 17 November 2017 — António Conde & Companhia v Commission

(Case T-244/17) ⁽¹⁾

(2018/C 022/84)

Language of the case: English

The President of the First Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 231, 17.7.2017.
