

GENERAL COURT

Judgment of the General Court of 10 June 2020 — B.D v EUIPO — Philicon-97 (PHILIBON)

(Case T-717/18) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark PHILIBON — Earlier national figurative mark PHILICON — Relative ground for refusal — Well-known trade mark within the meaning of Article 6bis of the Paris Convention — Article 8(2)(c) of Regulation (EC) No 207/2009 (now Article 8(2)(c) of Regulation (EU) 2017/1001))

(2020/C 255/18)

Language of the case: English

Parties

Applicant: B.D. — Boyer Developpement (Moissac, France) (represented by: É. Junca, lawyer)

Defendant: European Union Intellectual Property Office (represented by: L. Lapinskaite, A. Folliard-Monguiral, H. O'Neill and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Philicon-97 AD (Plovdiv, Bulgaria) (represented by: V. Pavlov and M. Lazarov, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 10 October 2018 (Case R 375/2018-4), relating to invalidity proceedings between Philicon 97 and B. D. — Boyer Developpement.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders B. D. — Boyer Developpement to pay the costs.

⁽¹⁾ OJ C 54, 11.2.2019.

Judgment of the General Court of 10 June 2020 — Boyer v EUIPO — Philicon-97 (PHILIBON DEPUIS 1957 www.philibon.com)

(Case T-718/18) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU figurative mark PHILIBON DEPUIS 1957 www.philibon.com — Earlier national figurative mark PHILICON — Relative ground for refusal — Well-known trade mark within the meaning of Article 6bis of the Paris Convention — Article 8(2)(c) of Regulation (EC) No 207/2009 (now Article 8(2)(c) of Regulation (EU) 2017/1001))

(2020/C 255/19)

Language of the case: English

Parties

Applicant: Boyer (Moissac, France) (represented by: É. Junca, lawyer)

Defendant: European Union Intellectual Property Office (represented by: L. Lapinskaite, A. Folliard-Monguiral, H. O'Neill and V. Ruzek, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Philicon-97 AD (Plovdiv, Bulgaria) (represented by: V. Pavlov and M. Lazarov, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 10 October 2018 (Case R 374/2018-4), relating to invalidity proceedings between Philicon 97 and Boyer.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Boyer to pay the costs.

⁽¹⁾ OJ C 54, 11.2.2019.

**Judgment of the General Court of 10 June 2020 — Louis Vuitton Malletier v EUIPO — Wisniewski
(Device of a chequerboard Pattern)**

(Case T-105/19) ⁽¹⁾

(EU trade mark — Invalidity proceedings — International registration designating the European Union — Figurative mark representing a chequerboard pattern — Absolute grounds for refusal — No distinctive character — Well-known facts — Distinctive character acquired through use — Overall assessment of the evidence of the distinctive character acquired through use — Article 7(1)(b) and (3) of Regulation (EU) 2017/1001 — Article 59(1) and (2) of Regulation 2017/1001)

(2020/C 255/20)

Language of the case: English

Parties

Applicant: Louis Vuitton Malletier (Paris, France) (represented by: P. Roncaglia, G. Lazzeretti, F. Rossi, N. Parrotta and P.-Y. Gautier, lawyers)

Defendant: European Union Intellectual Property Office (represented by: V. Ruzek and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Norbert Wisniewski (Warsaw, Poland)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 22 November 2018 (Case R 274/2017-2) relating to invalidity proceedings between Mr Wisniewski and Louis Vuitton Malletier.

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 22 November 2018 (Case R 274/2017-2);
2. Orders EUIPO to bear the costs.

⁽¹⁾ OJ C 139, 15.4.2019.