



C/2025/1646

24.3.2025

Judgment of the General Court of 29 January 2025 – Quality is Our Recipe v EUIPO – Granizados Maresme (Frosty)

(Case T-168/24) ⁽¹⁾

(EU trade mark – Opposition proceedings – Application for EU figurative mark Frosty – Earlier national figurative mark FROSTY – Relative ground for refusal – Likelihood of confusion – Article 8(1)(b) of Regulation 2017/1001 – Genuine use of the earlier mark – Article 47(2) and (3) of Regulation (EU) 2017/1001)

(C/2025/1646)

Language of the case: Spanish

Parties

Applicant: Quality is Our Recipe LLC (Dublin, Ohio, United States) (represented by: A. Ortiz López and M. Polo Carreño, lawyers)

Defendant: European Union Intellectual Property Office (represented by: R. Raponi, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Granizados Maresme SLL (Pineda de Mar, Spain)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 30 January 2024 (Case R 1086/2023-1).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

⁽¹⁾ OJ C C/2024/3086, 13.5.2024.