

Judgment of the General Court of 13 September 2018 — Eduard Meier v EUIPO — Calzaturificio Elisabet (Safari Club)

(Case T-418/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark Safari Club — Earlier national figurative mark WS Walk Safari — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 392/34)

Language of the case: English

Parties

Applicant: Eduard Meier GmbH (Munich, Germany) (represented by S. Schicker and M. Knitter, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Calzaturificio Elisabet Srl (Monte Urano, Italy)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 2 May 2017 (Case R 1158/2016-4) relating to opposition proceedings between Calzaturificio Elisabet and Eduard Meier.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 2 May 2017 (Case R 1158/2016-4), in so far as it upheld the opposition to registration of the EU word mark Safari Club for the goods 'game bags' and 'clothing for hunting, clothing and hunting boots';
2. Dismisses the remainder of the action;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 277, 21.8.2017.

Judgment of the General Court of 19 September 2018 — Eddy's Snack Company v EUIPO — Chocoladefabriken Lindt & Sprüngli (Eddy's Snackcompany)

(Case T-652/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark Eddy's Snackcompany — Earlier national word mark TEDDY — Relative ground for refusal — Principle of ne ultra petita — Article 76(1) of Regulation (EC) No 207/2009 (now Article 95(1) of Regulation (EU) No 2017/1001) — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001)

(2018/C 392/35)

Language of the case: German

Parties

Applicant: Eddy's Snack Company GmbH (Lügde, Germany) (represented by: M. Decker, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO: Chocoladefabriken Lindt & Sprüngli AG (Kilchberg, Switzerland)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 11 July 2017 (Case R 1999/2016-4), relating to opposition proceedings between Chocoladefabriken Lindt & Sprüngli and Eddy's Snack Company.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 11 July 2017 (Case R 1999/2016-4);
2. Orders EUIPO to bear its own costs and to pay the costs incurred by Eddy's Snack Company GmbH in the proceedings before the General Court.

⁽¹⁾ OJ C 382, 13.11.2017.

**Order of the General Court of 30 May 2018 — PJ v EUIPO — Erdmann & Rossi (Erdmann & Rossi)
(Case T-664/16) ⁽¹⁾**

(EU trade mark — Representation by a lawyer who is not an independent third party with regard to the applicant — Replacement of a party to the proceedings — Transfer of the rights of the EU trade mark applicant — Representation by a lawyer who is not an independent third party with regard to the applicant for replacement — Inadmissibility)

(2018/C 392/36)

Language of the case: German

Parties

Applicant: PJ (represented by: S., lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Hanne, and subsequently by A. Söder, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: Erdmann & Rossi GmbH (Berlin, Germany) (represented by: H. Kunz-Hallstein and R. Kunz-Hallstein, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 18 July 2016 (Case R 1670/2015-4), relating to invalidity proceedings between Erdmann & Rossi and PJ.

Operative part of the order

1. *The action shall be dismissed as inadmissible.*