

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Novartis AG to pay the costs.*

⁽¹⁾ OJ C 352, 1.10.2018.

Order of the General Court of 8 March 2019 — Herrero Torres v EUIPO — DZ Licores (CARAJILLO LICOR 43 CUARENTA Y TRES)

(Case T-326/18) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative mark CARAJILLO LICOR 43 CUARENTA Y TRES — Earlier national figurative mark Carajillo — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation 2017/1001 — Action manifestly lacking any foundation in law)

(2019/C 148/51)

Language of the case: Spanish

Parties

Applicant: José-Ramón Herrero Torres (Castellón de la Plana, Spain) (represented by: J. Gil Martí, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court: DZ Licores, SLU (Cartagena, Spain) (represented by: A. Vela Ballesteros and B. Lamas Begué, lawyers)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 13 March 2018 (Case R 2104/2017-5) relating to opposition proceedings between Mr Herrero Torres and DZ Licores.

Operative part of the order

1. *The action is dismissed.*
2. *Mr José-Ramón Herrero Torres shall pay the costs.*

⁽¹⁾ OJ C 249, 16.7.2018.