

2. Orders Gwo Chyang Biotech Co. Ltd to pay the costs.

⁽¹⁾ OJ C 122, 1.4.2019.

Judgment of the General Court of 12 March 2020 — Sumol + Compal Marcas, SA v EUIPO — Heretat Mont-Rubi (SUM011)

(Case T-296/19) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark SUM011 — Prior figurative EU word mark Sumol and prior national word mark SUMOL — Relative ground for refusal — No likelihood of confusion — No similarity of the goods and services — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 175/23)

Language of the case: English

Parties

Applicant: Sumol + Compal Marcas, SA (Carnaxide, Portugal) (represented by: J.M. Pimenta and A.M. Sebastião, lawyers)

Defendant: European Union Intellectual Property Office (represented by: L. Lapinskaite, J. Crespo Carrillo and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Heretat Mont-Rubi, SA (Font-Rubi, Spain)

Re:

Action for annulment of the decision of the Fifth Board of Appeal of EUIPO of 12 February 2019 (Case R 1662/2018-5), relating to opposition proceedings between Sumol + Compal Marcas and Heretat Mont-Rubi.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sumol + Compal Marcas, SA, to pay the costs.

⁽¹⁾ OJ C 213, 24.6.2019.

Judgment of the General Court of 26 March 2020 — Wilhelm Sihm jr. v EUIPO — Golden Frog (CHAMELEON)

(Case T-312/19) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for the EU word mark CHAMELEON — Earlier international and national word marks CHAMELEON — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2020/C 175/24)

Language of the case: English

Parties

Applicant: Wilhelm Sihm jr. GmbH & Co. KG (Niefern-Öschelbronn, Germany) (represented by: H. Twelmeier, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Golden Frog GmbH (Meggen, Switzerland) (represented by: G. Messenger, Barrister)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 7 March 2019 (Case R 1551/2018-4), relating to opposition proceedings between Wilhelm Sihm jr. and Golden Frog.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Wilhelm Sihm jr. GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 230, 8.7.2019.

Judgment of the General Court of 12 March 2020 — Maternus v EUIPO– adp Gauselmann (Jokers WILD Casino)

(Case T-321/19) ⁽¹⁾

(EU trade mark — Revocation proceedings — EU figurative mark Jokers WILD Casino — Obligation to state reasons — First sentence of Article 94(1) of Regulation (EU) 2017/1001 — No genuine use of the trade mark — Article 58(1)(a) of Regulation 2017/1001)

(2020/C 175/25)

Language of the case: German

Parties

Applicant: Maternus GmbH (Munich, Germany) (represented by: M. Zöbisch and R. Drozd, lawyers)

Defendant: European Union Intellectual Property Office (represented by: J. Schäfer, A. Söder and D. Walicka, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: adp Gauselmann GmbH (Espelkamp, Germany) (represented by: K. Mandel and K. Guridi Sedlak, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 27 February 2019 (Case R 803/2018-1), relating to revocation proceedings between adp Gauselmann and Maternus.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Maternus GmbH to pay the costs.

⁽¹⁾ OJ C 238, 15.7.2019.