

Judgment of the General Court of 2 June 2021 — Himmel v EUIPO — Ramirez Monfort (Hispano Suiza)

(Case T-177/20) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark Hispano Suiza — Earlier EU word mark HISPANO SUIZA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2021/C 278/59)

Language of the case: English

Parties

Applicant: Erwin Leo Himmel (Walchwil, Switzerland) (represented by: A. Gomoll, 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: Gonzalo Andres Ramirez Monfort (Barcelona, Spain)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 21 January 2020 (Case R 67/2019-1), relating to opposition proceedings between Mr Himmel and Mr Ramirez Monfort.

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 21 January 2020 (Case R 67/2019-1);
2. Orders EUIPO to pay the costs.

⁽¹⁾ OJ C 191, 8.6.2020.

Judgment of the General Court of 2 June 2021 — Schneider v EUIPO — Rathes (Teslaplatte)

(Case T-183/20) ⁽¹⁾

(EU trade mark — Invalidity proceedings — EU word mark Teslaplatte — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 (now Article 7(1)(c) of Regulation (EU) 2017/1001))

(2021/C 278/60)

Language of the case: German

Parties

Applicant: Christian Schneider (Leverkusen, Germany) (represented by: R. Buttron, lawyer)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Oliver Rathes (Männedorf, Switzerland) (represented by: G. Jacobs and M. Maybaum, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of EUIPO of 15 January 2020 (Case R 247/2019-2), relating to invalidity proceedings between Mr Rathes and Mr Schneider.