

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders MIP Metro Group Intellectual Property GmbH & Co. KG to pay the costs.

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<sup>(1)</sup> OJ C 22, 23.1.17.

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**Judgment of the General Court of 19 June 2018 — Damm v EUIPO — Schlossbrauerei Au, Willibald Beck Freiherr von Peccoz (EISKELLER)**

(Case T-859/16) <sup>(1)</sup>

(EU trade mark — Opposition proceedings — Application for EU figurative mark EISKELLER — Earlier national word marks KELER and KELER 18 — Relative ground for refusal — No similarity between the signs — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001))

(2018/C 268/41)

Language of the case: English

**Parties**

*Applicant:* Sociedad Anónima Damm (Barcelona, Spain) (represented by: P. González-Bueno Catalán de Ocón and C. Aguilera Montañez, lawyers)

*Defendant:* European Union Intellectual Property Office (represented by: I. Harrington, D. Hanf, V. Ruzek and D. Walicka, acting as Agents)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court:* Schlossbrauerei Au, Willibald Beck Freiherr von Peccoz GmbH & Co. KG (Au-Hallertau, Germany) (represented by: C. Thomas and V. Schwepler, lawyers)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 5 September 2016 (Case R 2428/2015-5), relating to opposition proceedings between Sociedad Anónima Damm and Schlossbrauerei Au, Willibald Beck Freiherr von Peccoz.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Sociedad Anónima Damm to pay the costs.

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<sup>(1)</sup> OJ C 38, 6.2.2017.