

Judgment of the General Court of 13 February 2019 — Etnia Dreams v EUIPO — Poisson (Etnik)(Case T-823/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark Etnik — Earlier EU trade mark — Relative ground for refusal — Failure to identify the earlier trade mark in the notice of opposition — Principle of sound administration — Right to an effective remedy — Equality of arms — Principle of good faith — Legitimate expectations)

(2019/C 122/20)

Language of the case: Spanish

Parties

Applicant: Etnia Dreams, SL (Valencia, Spain) (represented by: P. Gago Comes, lawyer)

Defendant: European Union Intellectual Property Office (represented by: S. Palmero Cabezas, acting as Agent)

Other party to the proceedings before the Board of Appeal of EUIPO: Serge Poisson (Limal, Belgium)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 19 October 2017 (Case R 880/2017-4) relating to opposition proceedings between Etnia Dreams and Mr Poisson.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Etnia Dreams SL to pay the costs.

⁽¹⁾ OJ C 72, 26.2.2018.

Judgment of the General Court of 12 February 2019 — Et Djili Soy Dzhihangir Ibryam v EUIPO — Lupu (Djili)(Case T-231/18) ⁽¹⁾

[EU trade mark — Opposition proceedings — Application for the EU figurative mark Djili — Earlier national word mark GILLY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001]

(2019/C 122/21)

Language of the case: English

Parties

Applicant: Et Djili Soy Dzhihangir Ibryam (Dulovo, Bulgaria) (represented by C.-R. Romițan, lawyer)

Defendant: European Union Intellectual Property Office (represented initially by D. Gája and D. Walicka, and subsequently by D. Gája and H. O'Neill, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO: Victor Lupu (Bucharest, Romania)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 31 January 2018 (Case R 1902/2017-5) relating to opposition proceedings between Mr Lupu and Et Djili Soy Dzhihangir Ibryam.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Et Djili Soy Dzhihangir Ibryam to pay the costs.*

⁽¹⁾ OJ C 200, 11.6.2018.

Judgment of the General Court of 13 February 2019 — Nemius Group v EUIPO (DENTALDISK)

(Case T-278/18) ⁽¹⁾

[EU trade mark — Application for EU word mark DENTALDISK — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EU) 2017/1001]

(2019/C 122/22)

Language of the case: German

Parties

Applicant: Nemius Group GmbH (Obertshausen, Germany) (represented by: C. Bildhäuser, lawyer)

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

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 30 January 2018 (Case R 741/2017-5) concerning an application for registration of the word sign DENTALDISK as an EU trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Nemius Group GmbH to bear its own costs and to pay those incurred by the European Union Intellectual Property Office (EUIPO).*

⁽¹⁾ OJ C 221, 25.6.2018.