

2. Orders Novomatic AG to pay the costs.

<sup>(1)</sup> OJ C 245, 28.7.2014.

---

**Judgment of the General Court of 7 April 2016 — Industrias Tomás Morcillo v EUIPO — Aucar Trailer (Polycart A Whole Cart Full of Benefits)**

(Case T-613/14) <sup>(1)</sup>

**(European Union trade mark — Opposition proceedings — Application for European Union figurative mark Polycart A Whole Cart Full of Benefits — Earlier European Union figurative mark POLICAR — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2016/C 191/31)

Language of the case: Spanish

**Parties**

*Applicant:* Industrias Tomás Morcillo, SL (Albuixech, Spain) (represented by: A. Sanz-Bermell y Martínez, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Palmero Cabezas and A. Schifko, acting as Agents)

*Other party to the proceedings before the Board of Appeal of the EUIPO:* Aucar Trailer, SL (Premia de Mar, Spain)

**Re:**

Action brought against the decision of the First Board of Appeal of the EUIPO of 7 May 2014 (Case R 1735/2012-1), relating to opposition proceedings between Aucar Trailer, SL and Industrias Tomás Morcillo, SL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Industrias Tomás Morcillo, SL to pay the costs.

<sup>(1)</sup> OJ C 339, 29.9.2014.

---

**Judgment of the General Court of 8 April 2016 Frinsa del Noroeste v EUIPO — Frisa Frigorífico Rio Doce (FRISA)**

(Case T-638/14) <sup>(1)</sup>

**(European Union trade mark — Opposition procedure — Application for the European Union figurative mark FRISA — Earlier European Union figurative mark Frinsa — Relative ground for refusal — Genuine use of the earlier trademark — Submission of new facts and evidence in support of an appeal brought before the General Court — Power to alter decisions — Article 42(2) and (3), Article 65 and final part of Article 76(1) of Regulation (EC) No 207/2009 — Rule 22, paragraphs 2 to 4, of Regulation (EC) No 2868/95)**

(2016/C 191/32)

Language of the case: Spanish

**Parties**

*Applicant:* Frinsa del Noroeste, SA (Santa Eugenia de Ribeira, Spain) (represented by: J. Botella Reyna, lawyer)

*Defendant:* European Union Intellectual Property Office (represented by: J. Crespo Carrillo, Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO:* Frisa Frigorífico Rio Doce, SA (Espírito Santo, Brazil)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 1 July 2014 (Joined Cases R 1547/2013-4 and R 1851/2013-4), relating to opposition proceedings between Frinsa del Noroeste, SA and Frisa Frigorífico Rio Doce, SA.

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Fourth Board of Appeal of the European Union Intellectual Property Office (EUIPO) of 1 July 2014 (Joined Cases R 1547/2013-4 and R 1851/2013-4);
2. Orders each party to bear its own costs.

---

<sup>(1)</sup> OJ C 380, 27.10.2014.

---

**Judgment of the General Court of 12 April 2016 — Auyantepui Corp. v EUIPO — Magda Rose (Mr Jones)**

(Case T-8/15) <sup>(1)</sup>

*(European Union trade mark — Opposition proceedings — Application for European Union figurative mark Mr Jones — Earlier international figurative mark Jones — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2016/C 191/33)

*Language of the case:* English

**Parties**

*Applicant:* Auyantepui Corp., SA (Panama, Panama) (represented by: E. Manresa Medina, lawyer)

*Defendant:* European Union Intellectual Property Office (EUIPO) (represented by: E. Zaera Cuadrado, Agent)

*Other party to the proceedings before the Board of Appeal of EUIPO, intervening before the General Court:* Magda Rose GmbH & Co. KG (Vienna, Austria) (represented by: R. Kornfeld, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 28 October 2014 (Case R 49/2014-2) relating to opposition proceedings between Magda Rose GmbH & Co. KG and Auyantepui Corp., SA.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Auyantepui Corp., SA, to pay the costs.

---

<sup>(1)</sup> OJ C 118, 13.4.2015.