

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Gianni Versace SpA (Milan, Italy) (represented by: M. Francetti, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 6 April 2016 (Case R 1005/2015-1) relating to opposition proceedings between Gianni Versace and Versace 19.69 Abbigliamento Sportivo.

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 6 April 2016 (Case R 1005/2015-1) in so far as the Board of Appeal held that there had been genuine use of the earlier EU mark VERSACE for textile goods (not included in other classes) other than 'household linen' in class 24;*
2. *Dismisses the action as to the remainder;*
3. *Orders Versace 19.69 Abbigliamento Sportivo Srl to bear its own costs and to pay one half of the costs incurred by EUIPO;*
4. *Orders EUIPO to bear one half of its own costs;*
5. *Orders Gianni Versace SpA to bear its own costs.*

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 5 October 2017 — Versace 19.69 Abbigliamento Sportivo v EUIPO — Gianni Versace (VERSACCINO)

(Case T-337/16) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU figurative trade mark VERSACCINO — Earlier EU word mark VERSACE — Genuine use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009 — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8 (1)(b) of Regulation (EC) No 207/2009)

(2017/C 392/30)

Language of the case: Italian

Parties

Applicant: Versace 19.69 Abbigliamento Sportivo Srl (Busto Arsizio, Italy) (represented initially by F. Caricato, and subsequently by M. Cartella and B. Cartella, lawyers)

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

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: Gianni Versace SpA (Milan, Italy) (represented by: M. Francetti, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of EUIPO of 6 April 2016 (Case R 1172/2015-1), relating to opposition proceedings between Gianni Versace and Versace 19.69 Abbigliamento Sportivo.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Versace 19.69 Abbigliamento Sportivo Srl to pay the costs.

⁽¹⁾ OJ C 296, 16.8.2016.

Judgment of the General Court of 5 October 2017 — Forest Pharma v EUIPO — Ipsen Pharma (COLINEB)

(Case T-36/17) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark COLINEB — Earlier national figurative mark Colina — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 (now Article 8(1)(b) of Regulation (EU) 2017/1001) — Extent of the examination to be carried out by the Board of Appeal — Article 76(1) of Regulation No 207/2009 (now Article 95(1) of Regulation (EU) 2017/1001))

(2017/C 392/31)

Language of the case: English

Parties

Applicant: Forest Pharma BV (Amsterdam, Netherlands) (represented by: T. Holman, Solicitor)

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: Ipsen Pharma SAS (Boulogne-Billancourt, France) (represented by: E. Baud, lawyer)

Re:

Action brought against the decision of the Fifth Board of Appeal of EUIPO of 13 October 2016 (Case R 500/2016-5), relating to opposition proceedings between Ipsen Pharma and Forest Pharma.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Forest Pharma BV to bear its own costs and to pay the costs incurred by the European Union Intellectual Property Office (EUIPO);
3. Orders Ipsen Pharma SAS to bear its own costs.

⁽¹⁾ OJ C 70, 6.3.2017.