

**Order of the General Court of 20 September 2017 — Berliner Stadtwerke v EUIPO (berlinWärme)****(Case T-719/16) <sup>(1)</sup>*****(EU trade mark — Application for EU word mark berlinWärme — Absolute ground for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Action manifestly unfounded in law)*****(2017/C 392/39)***Language of the case: German***Parties***Applicant:* Berliner Stadtwerke GmbH (Berlin, Germany) (represented by: O. Spieker, A. Schönfleisch and M. Alber, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: R. Manea and D. Hanf, agents)**Re:**

Action brought against the decision of the First Board of Appeal of EUIPO of 19 July 2016 (Case R 618/2016-1), relating to the application for registration of the word sign berlinWärme as an EU trade mark.

**Operative part of the order**

1. *The action is dismissed.*
2. *Berliner Stadtwerke GmbH is ordered to pay the costs.*

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<sup>(1)</sup> OJ C 411, 28.11.2016.

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**Order of the General Court of 20 September 2017 — Habermaaß v EUIPO (Here Global (h))****(Case T-40/17) <sup>(1)</sup>*****(EU trade mark — Opposition proceedings — Withdrawal of the opposition — No need to adjudicate)*****(2017/C 392/40)***Language of the case: English***Parties***Applicant:* Habermaaß GmbH AG (Bad Rodach, Germany) (represented by: U. Blumenröder, H. Gauß and E. Bertram, lawyers)*Defendant:* European Union Intellectual Property Office (represented by: J.F. Crespo Carrillo and M. Tóhatí, acting as Agents)*Other party to the proceedings before the Board of Appeal of EUIPO intervening before the General Court:* Here Global BV (Eindhoven, Netherlands) (represented by: J. Erkkilä, lawyer)**Re:**

Action brought against the decision of the Second Board of Appeal of EUIPO of 24 October 2016 (Case R 53/2016-2) concerning opposition proceedings between Here Global BV and Habermaaß GmbH.