

GENERAL COURT

Judgment of the General Court of 6 April 2022 — Cilem Records International v EUIPO — KVZ Music (HALIX RECORDS)

(Case T-118/21) ⁽¹⁾

(EU trade mark — Opposition proceedings — Application for EU word mark HALIX RECORDS — Earlier national word and figurative marks HALIX RECORDS — Relative ground for refusal — Article 8(4) of Regulation (EC) No 207/2009 (now Article 8(4) of Regulation (EU) 2017/1001) — Rule 19(1) and (2) of Regulation (EC) No 2868/95 (now Article 7(1) and (2) of Delegated Regulation (EU) 2018/625))

(2022/C 222/45)

Language of the case: German

Parties

Applicant: Cilem Records International UG (Augsburg, Germany) (represented by: E. Hecht, lawyer)

Defendant: European Union Intellectual Property Office (represented by: M. Eberl and D. Hanf, acting as Agents)

Other party to the proceedings before the Board of Appeal of EUIPO, intervener before the General Court: KVZ Music Ltd (Sofia, Bulgaria) (represented by: D. Stechern, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of EUIPO of 28 January 2021 (Case R 1060/2020-4), relating to opposition proceedings between Cilem Records International and KVZ Music.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Cilem Records International UG to bear its own costs and to pay those incurred by EUIPO;
3. Orders KVZ Music Ltd to bear its own costs.

⁽¹⁾ OJ C 128, 12.4.2021.

Judgment of the General Court of 6 April 2022 — Biogena v EUIPO — Alter Farmacia (NUTRIFEM AGNUBALANCE)

(Case T-370/21) ⁽¹⁾

(EU trade mark — Opposition proceedings — International registration designating the European Union — Word mark NUTRIFEM AGNUBALANCE — Earlier EU word mark NUTRIBEN — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EU) 2017/1001)

(2022/C 222/46)

Language of the case: English

Parties

Applicant: Biogena GmbH & Co KG (Salzburg, Austria) (represented by: I. Schiffer, lawyer)