

OPPOSITION No B 3 199 598

Carolina Herrera Ltd, 501 Seventh Avenue, 17Th Floor, 10018 New York, United States (opponent), represented by **Curell Suñol S.L.P.**, Muntaner, 240 – 4º 2ª, 08021 Barcelona, Spain (professional representative)

a g a i n s t

Hangzhou Juejiang Brand Management Co., Ltd., Room 1101, 11/f, Block A, Building 27, No. 9, Jiusheng Road, Shangcheng District, Hangzhou, Zhejiang, China (applicant), represented by **Sakellarides Law Offices**, 70, Adrianou Street, 10556 Athens, Greece (professional representative).

On 03/07/2024, the Opposition Division takes the following

DECISION:

1. Opposition No B 3 199 598 is upheld for all the contested goods and services.
2. European Union trade mark application No 18 842 644 is rejected in its entirety.
3. The applicant bears the costs, fixed at EUR 620.

REASONS

On 17/07/2023, the opponent filed an opposition against all the goods and services of



European Union trade mark application No 18 842 644

(figurative mark).

The opposition is based on EUTM registration No 4 758 851, 'CH' (word mark) and EUTM



registration No 4 144 994 for the figurative mark

The opponent invoked Article 8(1)(b) EUTMR and Article 8(5) EUTMR in relation to both marks.

REPUTATION — ARTICLE 8(5) EUTMR

According to Article 8(5) EUTMR, upon opposition by the proprietor of a registered earlier trade mark within the meaning of Article 8(2) EUTMR, the contested trade mark will not be registered where it is identical with, or similar to, an earlier trade mark, irrespective of whether the goods or services for which it is applied are identical with, similar to or not similar to those for which the earlier trade mark is registered, where, in the case of an earlier European Union trade mark, the trade mark has a reputation in the Union or, in the case of an earlier national trade mark, the trade mark has a reputation in the Member State concerned and where the use without due cause of the contested trade mark would take unfair advantage of, or be detrimental to, the distinctive character or the repute of the earlier trade mark.

Therefore, the grounds for refusal of Article 8(5) EUTMR are only applicable when the following conditions are met.

- The signs must be either identical or similar.
- The opponent's trade mark must have a reputation. The reputation must also be prior to the filing of the contested trade mark; it must exist in the territory concerned and for the goods and/or services on which the opposition is based.
- Risk of injury: use of the contested trade mark would take unfair advantage of, or be detrimental to, the distinctive character or repute of the earlier trade mark.

The abovementioned requirements are cumulative and, therefore, the absence of any one of them will lead to the rejection of the opposition under Article 8(5) EUTMR (16/12/2010, T-357/08, BOTO CYL / BOTOX, EU:T:2010:529, § 41; 16/12/2010, T-345/08, BOTOLIST / BOTOX, EU:T:2010:529, § 41). However, the fulfilment of all the abovementioned conditions may not be sufficient. The opposition may still fail if the applicant establishes due cause for the use of the contested trade mark.

In the present case, the applicant did not claim to have due cause for using the contested mark. Therefore, in the absence of any indications to the contrary, it must be assumed that no due cause exists.

a) Reputation of the earlier trade marks

According to the opponent, the earlier European Union trade mark registrations have a reputation in the European Union.

Reputation implies a knowledge threshold that is reached only when the earlier mark is known by a significant part of the relevant public for the goods or services it covers. The relevant public is, depending on the goods or services marketed, either the public at large or a more specialised public.

In the present case, the contested trade mark was filed on 01/03/2023. Therefore, the opponent was required to prove that the trade marks on which the opposition is based had acquired a reputation prior to that date. The evidence must also show that the reputation was acquired for the goods for which the opponent has claimed reputation, namely:

EUTM registration No 4 758 851

Class 3: *Perfumery products.*

Class 25: *Clothing and ready-made clothing.*

EUTM registration No 4 144 994

Class 3: *Perfumery products.*

Class 25: *Clothing and ready-made clothing.*

Class 35: *Retail services.*

The opposition is directed against the following goods and services:

Class 25: Clothing; Trousers; Coats; Footwear; caps being headwear; hosiery; gloves [clothing]; tee-shirts; Down coats; Shirts; Sweaters; Scarves; headscarves; underpants; Hoodies; suits; Jumpsuits; Leggings; Coats made of cotton; Face masks [clothing], not for medical or sanitary purposes.

Class 35: Advertising; presentation of goods on communication media, for retail purposes; business management consultancy; providing business information via a web site; organization of exhibitions for commercial or advertising purposes; commercial administration of the licensing of the goods and services of others; import-export agency services; sales promotion for others; marketing; provision of an online marketplace for buyers and sellers of goods and services.

In order to determine the marks' level of reputation, all the relevant facts of the case must be taken into consideration, including, in particular, the market share held by the trade mark, the intensity, geographical extent and duration of its use, and the size of the investment made by the undertaking in promoting it.

Within the time limit, to support its claim of reputation, the opponent has submitted new evidence (recent Office decision) and in addition, it has referred to numerous materials submitted as evidence in other proceedings, which are clearly identified, namely the following:

Proceedings B 3 194 708, evidence filed on 24/04/2023

- Annex1-6: previous, recent, Office decisions and Spanish PTO decisions.


Proceedings B 3 177 534, evidence filed on 25/08/2022

- Annex 1-2: previous, recent, Office decisions and Spanish PTO decisions.

Proceedings B 3 157 229, evidence filed on 25/10/2021

- Annex 2-3-5: Press clippings and advertising materials in Spain, dated in the period 2017-2019 related to perfumes.

Proceedings B 3 147 514, evidence filed on 25/05/2021 and 21/10/2021

- Annex 1-2: decisions of the Spanish PTO dated 24/09/2021, in which the reputation of the opponent's figurative mark () is recognised for Class 3 products; 21 decisions, 2007-2021 issued by the Spanish PTO, recognising the earlier mark CH's reputation.
- Annex 3: Board of Appeal of the Office decision dated 13/12/2012, recognising reputation of CH figurative mark for bags, fashion accessories and clothing.
- Annex 4: Press clippings and advertising materials in Spain, dated in the period 2018-2019.
- Annex 5: extract dated 04/09/2014, *Forbes*, informing that Carolina Herrera receives 2014 Couture Council Award for Artistry of Fashion.
- Annex 6: Affidavit dated 2020 issued by the Legal IP Director of the opponent's company showing goods bearing the earlier marks and turnover numbers regarding sales made under the trade marks 'CHHC' and 'CH Carolina Herrera' for 2016-2019 in Spain; Germany and Portugal.
- Annexes 7 and 8: press clippings and magazines, in Spain, dated 2018-2019.

Proceedings B 3 141 143, evidence filed on 17/09/2021

- Annexes 1 -10: press clippings, advertisements in Spain, and Spanish magazines extracts, dated 2016-2020.

Proceedings B 3 089 994, evidence filed on 26/07/2019

- Annex 1: Office decision dated 15/09/2017, recognising the reputation of the earlier mark for perfumery products and clothing and ready-made clothing.

Proceedings B 2 799 859, evidence filed on 09/11/2016 and on 17/03/2017

- Annex 1: An extract from <CNN.com>, dated 2012, entitled 'How Carolina Herrera turned being chic into business'.
- Annex 2: An extract from *El Periódico*, dated 2007 (in Spanish, with an English translation). It is an interview with Carolina Herrera in which the sign 'CH' is mentioned in relation to fragrances.
- Annex 7: A certificate issued by the National Perfumery and Cosmetics Association (STANPA), stating that the fragrances and cosmetic products of the firm Carolina Herrera enjoy a high degree of recognition, prestige and reputation in the Spanish market and that the trade marks 'CAROLINA HERRERA', 'CH', '212' and '212 VIP' are well known in the perfumery and cosmetics field.
- Annexes 8 and 9: Judgements of the EUTM Court No 1 of Alicante, issued in 2011 (in Spanish with partial English translation), relating to, inter alia, the trade mark

'CH', recognising it as well known in relation to clothing and accessories in Class 18.

- Annexes 10 and 11: Judgements of the EUTM Court No 2 of Alicante, issued in 2015 and 2016 (in Spanish with English translations of extracts), relating to, inter alia, the trade marks 'CH' and 'CAROLINA HERRERA', recognising the latter as reputed for perfumery.
- Annex 12: An extract from a market study dated October 2012, in which 'Carolina Herrera' is ranked among the top five brands on the Spanish market. Moreover, the trade mark 'CH' appears as a sub-brand with a lower ranking.
- Annex 13: Sales figures for 2010-2013 for the brand 'Carolina Herrera' and 'CH' in Spain (unknown source).
- Annex 14: Affidavit by the Legal Director of the opponent's company regarding sales made under the trade marks 'CHHC' and 'CH Carolina Herrera' for 2007-2010 in Spain.
- Annex 15: Sales figures for 2008-2009 under the mark 'CH' (source unknown).
- Annex 16: A ranking of total perfume sales for 2010 (from <revistavpc.es>), in which CH (Carolina Herrera) is ranked number six in Spain.
- Annex 17: A ranking of sales in Spain, in which Carolina Herrera CH is ranked number eight.
- Annex 18: An extract from the biography of the designer Carolina Herrera from <encyclopedia.com>, relating to the launch of the 'CH' brand.
- Annex 19: A list of awards won by 'CH' perfumes in Spain, in the period 2008-2010.
- Annex 20: Press articles with depictions of perfumes bearing the sign 'CH' and articles relating to the brand 'CH'.
- Annex 21: An interview with Carolina Herrera published in Glamour in September 2007, which refers to a fragrance available soon called 'CH'.
- Annex 22: Map of Spain marked with the locations of Carolina Herrera boutiques.
- Annex 23: Sample advertisements in magazines for 'CH' perfumes, 2003-2010 (in which the mark is written in different typefaces).
- Annex 24: Sample advertisements in magazines for clothing, goods, bags and jewellery, 2003-2010.
- Annex 25: Extracts from Elle Fashion Book Spring-Summer 2010.

Proceedings B 3 071 871, evidence filed on 21/12/2018 and on 16/05/2019

- Annex 2: 2 certificates issued by National Association for the Defence of the Trade mark (ANDEMA) in 2013 and 2016 attesting to the reputation of the mark CH in Spain, with an English translation of the first one.

- Annex 4: 14 decisions rendered by the Spanish PTO stating that the mark CH has a reputation, with English translations.
- Annex 9: Extract of market study *Brand Equity Monitor Market: Spain Prestige + Awareness* perspective in other European countries, February 2019, by Kantar Millward Brown, showing (pages 10-13) that CH is among the Top 10 Equity brands and has an aided awareness of 70% in Spain.
- Annex 10: Certification issued by (Spain's) National Perfumery and Cosmetics Association (STANPA) in 2019, with English translation, certifying that the mark CH has a reputation in the perfumery and cosmetics field.
- Annex 11: 2 decisions rendered by the SPTO stating that the mark CH has a reputation, with English translations.
- Annex 13: Sales figures for CH branded perfumery and cosmetic goods in the EU for the period 2011-2018, showing that sales in Spain (page 2 of the document) were over EUR 93 million, whilst total sales were over EUR 125 million.

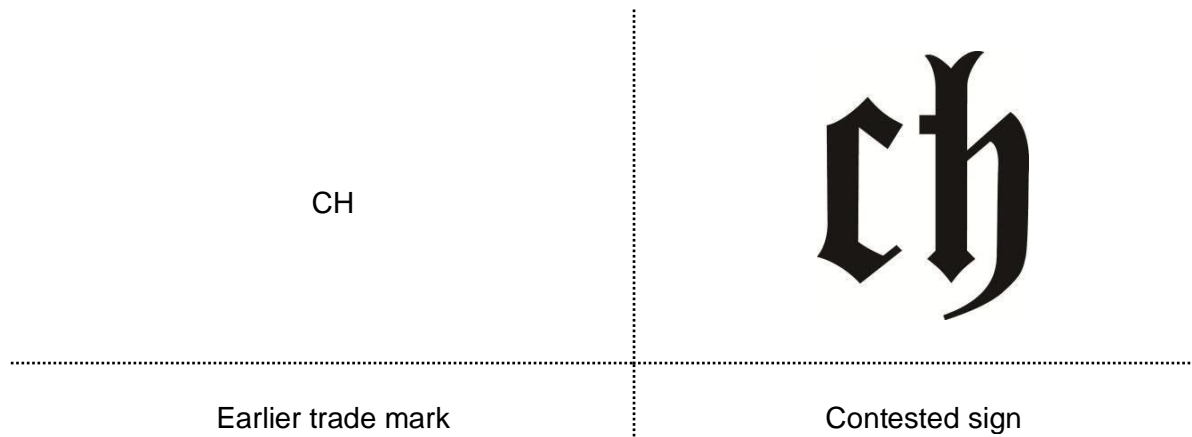
In addition, the opponent filed supplemental evidence, including a market study dated 2023 by KANTAR, showing a reputation of CH in relation to fragrances as well as various press clippings dated 2017-2023, showing Spain's queen (according to *Forbes* amongst the most influential women in Spain) wearing CH and CH Carolina Herrera clothing and accessories on numerous occasions.

The abovementioned evidence clearly indicates that the earlier trade marks have been used for a substantial period of time. The sales figures and market studies suggest that the trade marks have a consolidated position in the market. Under these circumstances, the Opposition Division finds that, taken as a whole, the evidence indicates that the earlier trade marks enjoy a clear recognition in particular amongst the Spanish public, which leads to the conclusion that the earlier trade marks enjoy a significant reputation for at least perfumery and clothing.

However, the evidence does not succeed in establishing that the trade mark has a reputation for retail services on which the opposition is based and for which reputation has been claimed. The evidence mainly relates to *perfumery* and *clothing*, whereas there is little or no reference to the remaining services. This is clear, for example, from the press cuttings and advertisements, in which only the former are mentioned.

Consequently, the opponent has proved the reputation of the earlier mark for, at least, *perfumery products* in Class 3 and *clothing and ready-made clothing* in Class 25.

For reasons of procedural economy, the assessment will therefore proceed hereinunder firstly in relation to the earlier word mark.

b) The signs

The relevant territory is the European Union.

The global appreciation of the visual, aural or conceptual similarity of the marks in question must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components (11/11/1997, C-251/95, Sabèl, EU:C:1997:528, § 23).

The earlier word mark is a word mark composed of two letters, 'C' and 'H'.

The contested sign is a figurative mark composed of the same letters, 'CH', depicted in a fanciful, gothic font.

The letters 'C' and 'H', and their combination, do not have any meaning in relation to the relevant goods and services are, therefore, normally distinctive.

The stylisation of the letters in the contested sign is not overly distinctive; in any event, when signs consist of both verbal and figurative components, in principle, the verbal component of the sign usually has a stronger impact on the consumer than the figurative component. This is because the public does not tend to analyse signs and will more easily refer to the signs in question by their verbal element than by describing their figurative elements (14/07/2005, T-312/03, Selenium-Ace, EU:T:2005:289, § 37). In the present case, the relevant public will certainly refer to the contested sign by its verbal component, 'CH' rather than by describing its font.

Visually and **aurally**, and irrespective of the different pronunciation rules in different parts of the relevant territory, the signs coincide in the letters/sounds 'C' and 'H', which constitutes the entire earlier word mark and the contested sign, The signs merely differ in the contested sign's stylisation of the letters.

Therefore, the signs are visually and aurally similar to a high degree.

Conceptually, the coinciding part of the signs has no meaning for the public in the relevant territory. To this extent, a conceptual comparison is not possible, and the conceptual aspect does not influence the assessment of the similarity of the signs.

Taking into account that the signs have been found similar in at least one aspect of the comparison, the examination of the existence of a risk of injury will proceed.

c) The 'link' between the signs

The global appreciation of the visual, aural or conceptual similarity of the marks in question must be based on the overall impression given by the marks, bearing in mind, in particular, their distinctive and dominant components (11/11/1997, C-251/95, Sabèl, EU:C:1997:528, § 23).

As seen above, the earlier mark is reputed and the signs are highly similar to the extent that they share the letters 'C' and 'H'. In order to establish the existence of a risk of injury, it is necessary to demonstrate that, given all the relevant factors, the relevant public will establish a link (or association) between the signs. The necessity of such a 'link' between the conflicting marks in consumers' minds is not explicitly mentioned in Article 8(5) EUTMR but has been confirmed by several judgments (23/10/2003, C-408/01, Adidas, EU:C:2003:582, § 29, 31; 27/11/2008, C-252/07, Intel, EU:C:2008:655, § 66). It is not an additional requirement but merely reflects the need to determine whether the association that the public might establish between the signs is such that either detriment or unfair advantage is likely to occur after all of the factors that are relevant to the particular case have been assessed.

Possible relevant factors for the examination of a 'link' include (27/11/2008, C-252/07, Intel, EU:C:2008:655, § 42):

- the degree of similarity between the signs;
- the nature of the goods and services, including the degree of similarity or dissimilarity between those goods or services, and the relevant public;
- the strength of the earlier mark's reputation;
- the degree of the earlier mark's distinctive character, whether inherent or acquired through use;
- the existence of likelihood of confusion on the part of the public.

This list is not exhaustive and other criteria may be relevant depending on the particular circumstances. Moreover, the existence of a 'link' may be established on the basis of only some of these criteria.

Therefore, bearing in mind the factors referred to above and the facts of the present proceedings, in particular the very high similarities and the reputation established, the Opposition Division finds that there is a link between the signs not only in relation to the contested goods in Class 25 (which relate to identical or similar goods), but also as regards the services in Class 35, which may relate to the sales or advertising of, inter alia, clothing and perfumery products.

In a natural way, there will be an obvious association created in the mind of consumers confronted with various items of the contested goods in Class 25.

In addition, while it is clear that clothing and part of the services belong to different market sectors, the market reality also shows that nowadays, renowned fashion companies often extend their businesses offering also services related to boosting, or facilitating the sales of their products. It can indeed not be excluded that a company with a highly reputed brand such as the earlier mark in question enjoys in Spanish society may also be responsible for such services, where related to clothing or the fragrances sector, or that in any event consumers may make a mental link between the goods and services at issue due to the high similarities

between the signs at stake in addition to the very extensive degree of recognition of the earlier mark. Therefore, although at least part of the contested services are dissimilar to the reputed goods, the assessed degree of reputation of the earlier mark and the similarity between the signs are sufficient to deem that it cannot be excluded that consumers may make a mental link between the signs in relation to these goods. There is indeed a point of connection between the services, considering the earlier mark's very extensive degree of recognition and the signs' similarities.

In this respect, it must also be noted that the applicant has not put forward any arguments to the contrary.

The Opposition Division concludes that the relevant consumers may establish a link (or association) between the signs in relation to the contested goods and services referred to above.

However, although a 'link' between the signs is a necessary condition for further assessing whether detriment or unfair advantage are likely, the existence of such a link is not sufficient, in itself, for a finding that there may be one of the forms of damage referred to in Article 8(5) EUTMR (26/09/2012, T-301/09, Citigate, EU:T:2012:473, § 96).

d) Risk of injury

Use of the contested mark will fall under Article 8(5) EUTMR when any of the following situations arise:

- it takes unfair advantage of the distinctive character or the repute of the earlier mark;
- it is detrimental to the repute of the earlier mark;
- it is detrimental to the distinctive character of the earlier mark.

Although detriment or unfair advantage may be only potential in opposition proceedings, a mere possibility is not sufficient for Article 8(5) EUTMR to be applicable. While the proprietor of the earlier mark is not required to demonstrate actual and present harm to its mark, it must 'adduce prima facie evidence of a future risk, which is not hypothetical, of unfair advantage or detriment' (06/07/2012, T-60/10, Royal Shakespeare, EU:T:2012:348, § 53).

It follows that the opponent must establish that detriment or unfair advantage is probable, in the sense that it is foreseeable in the ordinary course of events. For that purpose, the opponent should file evidence, or at least put forward a coherent line of argument demonstrating what the detriment or unfair advantage would consist of and how it would occur, that could lead to the prima facie conclusion that such an event is indeed likely in the ordinary course of events.

In substance, the opponent claims that due to the long-standing use, popularity and prestige of the earlier mark, the similarities between the marks and the coincidence in the market sectors, the contested mark will bring the earlier mark to the mind of the relevant public. That way, the image of prestige, exclusivity, high quality, refinedness and luxury of the earlier mark may be transferred to the goods and services bearing the contested sign.

In other words, the opponent claims that use of the contested trade mark would take unfair advantage of the distinctive character or the repute of the earlier trade mark.

Unfair advantage (free-riding)

Unfair advantage in the context of Article 8(5) EUTMR covers cases where there is clear exploitation and 'free-riding on the coat-tails' of a famous mark or an attempt to trade upon its reputation. In other words, there is a risk that the image of the mark with a reputation or the characteristics which it projects are transferred to the goods and services covered by the contested trade mark, with the result that the marketing of those goods and services is made easier by their association with the earlier mark with a reputation (06/07/2012, T-60/10, Royal Shakespeare, EU:T:2012:348, § 48; 22/03/2007, T-215/03, Vips, EU:T:2007:93, § 40).

The proprietor of the earlier mark bases its claim on the following:

- The average consumer will think that the applicant's goods and services enjoy the same positive characteristics as those under the earlier mark and will acquire them because of that.
- The contested sign will receive an unfair "boost" without its owner paying any compensation. The great marketing success and prestige of the opponent's goods and the high degree of awareness that the public has of them will result in the contested mark capturing the attention of the public, who will be consequently attracted to it and will be inclined to purchase the similarly branded goods and services.
- The applicant will obtain an undue business advantage since its goods and services may be demanded on the market due to the association that the consumers will inevitably make with the famous mark of the opponent, and not on their own merits. It will thus unfairly benefit from the selling power and prestige of the earlier mark. The popularity of the contested goods and services may well be stimulated just because they bear a sign similar to the opponents'.
- The applicant will benefit unfairly from the earlier trade mark's reputation and the money spent on marketing and promoting it without spending money to achieve this end.
- Considering the similarities between the two marks, the earlier mark's reputation, , the contested sign will receive an unfair 'boost' as a result of being linked with the opponent's reputed mark in the minds of the relevant consumers. The marketing of the applicant's goods and services will be made easier by the effort the opponent has already expended. Therefore, the contested sign could exploit the earlier mark's power of attraction and the marketing efforts made to promote it over decades and benefit from its reputation.

According to the Court of Justice of the European Union

... as regards injury consisting of unfair advantage taken of the distinctive character or the repute of the earlier mark, in so far as what is prohibited is the drawing of benefit from that mark by the proprietor of the later mark, the existence of such injury must be assessed by reference to average consumers of the goods or services for which the later mark is registered, who are reasonably well informed and reasonably observant and circumspect.

(27/11/2008, C-252/07, Intel, EU:C:2008:655, § 36.)

To determine whether the use of a sign takes unfair advantage of the distinctive character or the repute of the mark, it is necessary to undertake an overall assessment that takes into account all the factors relevant to the circumstances of the case (10/05/2007, T-47/06, Nasdaq, EU:T:2007:131, § 53; 12/03/2009, C-320/07 P, Nasdaq, EU:C:2009:146; 23/10/2003, C-408/01, Adidas, EU:C:2003:582, § 29, 30, 38; 27/11/2008, C-252/07, Intel,

EU:C:2008:655, § 57, 58, 66; 24/03/2011, C-552/09 P, TiMiKinderjoghurt, EU:C:2011:177, § 53).

The concept of taking unfair advantage ‘concerns the risk that the image of the mark with a reputation or the characteristics that it projects are transferred to the goods covered by the mark applied for, with the result that the marketing of those goods is made easier by that association with the earlier mark with a reputation’ (19/06/2008, T-93/06, Mineral Spa, EU:T:2008:215, § 40; 22/03/2007, T-215/03, Vips, EU:T:2007:93, § 40; 30/01/2008, T-128/06, Camelo, EU:T:2008:22, § 46).

The earlier mark has gained a reputation amongst the relevant public in relation to *perfumery products* in Class 3 and *clothing (and ready-made clothing)* in Class 25.

It has become an attractive and powerful brand at least in Spain. Given the demonstrated reputation of the earlier mark, the similarities between the signs and the markets the conflicting goods and services belong to, the relevant public may make a connection between the signs, and such an association may produce a commercial benefit for the applicant. There is a probability that the use of the contested sign indeed may lead to free-riding, that is to say, it would take unfair advantage of the well-established reputation of the earlier mark and the investments undertaken by the opponent to achieve that reputation.

It is concluded that the contested sign would benefit from the attractiveness of the earlier mark and the opponent’s marketing efforts. It should be pointed out that, the more similar the marks are, the more likely it is that the later mark will bring the earlier mark with a reputation to the mind of the relevant public (06/07/2012, T-60/10, Royal Shakespeare, EU:T:2012:348, § 26; 27/11/2008, C-252/07, Intel, EU:C:2008:655, § 44). Consequently, in the present case, it is highly probable that consumers will make a direct association between the earlier mark and the contested sign. The use of the trade mark applied for could also lead to the perception that the applicant is associated with or belongs to the opponent and, therefore, could facilitate the marketing of the goods and services for which registration is sought.

On the basis of the above, the Opposition Division concludes that the contested trade mark is likely to take unfair advantage of the distinctive character or the repute of the earlier trade mark.

f) Conclusion

Considering all the above, the opposition is well founded under Article 8(5) EUTMR. Therefore, the contested trade mark must be rejected for all the contested goods and services.

Given that the opposition is entirely successful under Article 8(5) EUTMR, it is not necessary to examine the remaining ground on which the opposition was based nor to assess opponent’s claim of reputation in relation to the remaining goods and/or the evidence of use in relation to the remaining goods on which the opposition was based.

COSTS

According to Article 109(1) EUTMR, the losing party in opposition proceedings must bear the fees and costs incurred by the other party.

Since the applicant is the losing party, it must bear the opposition fee as well as the costs incurred by the opponent in the course of these proceedings.

According to Article 109(1) and (7) EUTMR and Article 18(1)(c)(i) EUTMR, the costs to be paid to the opponent are the opposition fee and the costs of representation, which are to be fixed on the basis of the maximum rate set therein.



The Opposition Division

Francesca CANGERI

Edith Elisabeth
VAN DEN EEDE

Erkki MÜNTER

According to Article 67 EUTMR, any party adversely affected by this decision has a right to appeal against this decision. According to Article 68 EUTMR, notice of appeal must be filed in writing at the Office within two months of the date of notification of this decision. It must be filed in the language of the proceedings in which the decision subject to appeal was taken. Furthermore, a written statement of the grounds for appeal must be filed within four months of the same date. The notice of appeal will be deemed to have been filed only when the appeal fee of EUR 720 has been paid.