Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Saupiquet to pay the costs.*

(1) OJ C 148, 5.6.2010.

Judgment of the General Court of 23 November 2011 — Monster Cable Products v OHIM — Live Nation (Music) UK (MONSTER ROCK)

(Case T-216/10) (1)

(Community trade mark — Opposition proceedings — Application for Community word mark MONSTER ROCK — Earlier national mark MONSTERS OF ROCK — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 13/25)

Language of the case: English

Parties

Applicant: Monster Cable Products, Inc. (Brisbane, California, United States) (represented by: W. Baron von der Osten-Sacken, O. Günzel and A. Wenninger-Lenz, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) (represented by: R. Pethke, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Live Nation (Music) UK Ltd (London, United Kingdom) (represented by: S. Malynicz, Barrister, S. Britton and J. Summers, Solicitors)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 24 February 2010 (Case R 216/2009-1), concerning opposition proceedings between Live Nation (Music) UK Ltd and Monster Cable Products, Inc.

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Monster Cable Products, Inc. to pay the costs.*

(1) OJ C 195, 17.7.2010.

Judgment of the General Court of 22 November 2011 — mPAY24 v OHIM — Ultra (MPAY24)

(Case T-275/10) (1)

(Community trade mark — Invalidity proceedings — Community word mark MPAY24 — Absolute grounds for refusal — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Correction of the decision by the Board of Appeal — Non-existent act — Rule 53 of Regulation (EC) No 2868/95)

(2012/C 13/26)

Language of the case: English

Parties

Applicant: mPAY24 GmbH (Vienna, Austria) (represented by: H.-G. Zeiner and S. Di Natale, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Ultra d.o.o. Proizvodnja elektronskih naprav (Zagorje ob Savi, Slovenia)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 22 March 2010 (Case R 1102/2008-1) concerning invalidity proceedings between Ultra d.o.o. Proizvodnja elektronskih naprav and mPAY24 GmbH.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 March 2010 (Case R 1102/2008-1);*

2. *Orders OHIM to pay the costs.*

(1) OJ C 234, 28.8.2010.

Judgment of the General Court of 22 November 2011 — Sports Warehouse v OHIM (TENNIS WAREHOUSE)

(Case T-290/10) (1)

(Community trade mark — Application for Community word mark TENNIS WAREHOUSE — Absolute ground for refusal — Descriptive character — Distinctive character — Obligation to state reasons — Article 7(1)(b) and (c) and Article 75 of Regulation (EC) No 207/2009)

(2012/C 13/27)

Language of the case: German

Parties

Applicant: Sports Warehouse GmbH (Schutterwald, Germany) (represented by: M. Douglas, lawyer)