Judgment of the General Court of 21 June 2012 — Fruit of the Loom v OHIM — Blueshore Management (FRUIT)

(Case T-514/10) [1]

(Community trade mark — Revocation proceedings — Community word mark FRUIT — Non-use — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009)

(2012/C 227/28)

Language of the case: English

Parties

Applicant: Fruit of the Loom, Inc. (Bowling Green, Kentucky, United States) (represented by: S. Malynicz, Barrister, and V. Marsland, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially by S. Schäffner, subsequently by G. Schneider, subsequently by D. Botis, and finally by J. Crespo Carrillo, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Blueshore Management SA (Cernusco Sul Naviglio, Italy) (represented by: S. Corona and G. Ciccone, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 30 August 2010 (Case R 1686/2008-4) concerning revocation proceedings between Blueshore Management SA and Fruit of the Loom, Inc.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Fruit of the Loom, Inc. to bear its own costs and to pay those incurred by OHIM;*
3. *Orders Blueshore Management SA to bear its own costs.*

[1] OJ C 13, 15.1.2011.

Judgment of the General Court of 19 June 2012 — H.Eich v OHIM — Arav (H.EICH)

(Case T-557/10) [1]

(Community trade mark — Opposition proceedings — Application for Community word mark H.EICH — Earlier national figurative mark H SILVIAN HEACH — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 227/29)

Language of the case: Italian

Parties

Applicant: H.Eich Srl (Signa, Italy) (represented by: D. Mainini, T. Rubin, A. Masetti Zannini de Concina, M. Bucarelli, G. Petrocchi and B. Passaretti, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Arav Holding Srl (Palma Campania, Italy) (represented by: R. Bocchini, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 9 September 2010 (Case R 1411/2009-1) concerning opposition proceedings between Arav Holding Srl and H.Eich Srl.

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 9 September 2010 (Case R 1411/2009-1);*
2. *Orders OHIM to bear its own costs and pay those incurred by H.Eich Srl in the proceedings before the General Court;*
3. *Orders OHIM to pay the costs necessarily incurred for the purposes of the proceedings before the First Board of Appeal;*
4. *Orders Arav Holding Srl to bear its own costs.*

[1] OJ C 30, 29.1.2011.

Judgment of the General Court of 19 June 2012 — Arango Jaramillo and Others v EIB

(Case T-234/11 P) [1]

(Appeals — Staff cases — EIB staff — Pensions — Contribution to the pension scheme — Dismissal of the action at first instance as manifestly inadmissible — Period allowed for commencing proceedings — Lateness — Reasonable period of time)

(2012/C 227/30)

Language of the case: French

Parties

Appellants: Oscar Orlando Arango Jaramillo (Luxembourg, Luxembourg) and the 34 other members of the staff of the European Investment Bank whose names appear in the Annex to the judgment (represented by: B. Cortese and C. Cortese, lawyers)

Other party to the proceedings: European Investment Bank (represented by: C. Gómez de la Cruz and T. Gilliams, acting as Agents, assisted by P.-E. Partsch, lawyer)

Re:

Appeal against the Order of the Civil Service Tribunal of the European Union (First Chamber) of 4 February 2011 in Case F-34/10 *Arango Jaramillo and Others* v *EIB* ECR SC I-A-1-0000 and II-A-1-0000, seeking to have that order set aside.

Operative part of the judgment

The Court:

1. *dismisses the appeal;*

2. *orders Mr Oscar Orlando Arango Jaramillo and the 34 other members of the staff of the European Investment Bank (EIB) whose names appear in the Annex to bear their own costs and to pay those incurred by the EIB in these proceedings.*

(1) OJ C 211, 16.7.2011.

Order of the General Court of 12 June 2012 — Vesteda Groep v Commission

(Case T-206/10) (1)

(State aid — Scheme of aid granted by the Netherlands to social housing corporations — Existing aid — Decision accepting the commitments made by the Member State — Action for annulment — Locus standi — Inadmissibility)

(2012/C 227/31)

Language of the case: Dutch

Parties

Applicant: Vesteda Groep BV (Maastricht, Netherlands) (represented by: G. van der Wal and T. Boesman, lawyers)

Defendant: European Commission (represented by: H. van Vliet, S. Noë and S. Thomas, acting as Agents, assisted by H. Gilliams, lawyer)

Re:

Application for annulment of Commission Decision C(2009) 9963 final of 15 December 2009 relating to State aid E 2/2005 and N 642/2009 — (Netherlands) — Existing and special project aid to housing corporations

Operative part of the order

1. *The action is dismissed.*

2. *Vesteda Groep BV shall bear its own costs and pay those incurred by the European Commission.*

(1) OJ C 179, 3.7.2010.

Order of the General Court of 16 December 2011 — Google v OHIM — G-mail (GMail)

(Case T-527/10) (1)

(Community trade mark — Opposition — Withdrawal of the opposition — No need to adjudicate)

(2012/C 227/32)

Language of the case: English

Parties

Applicant: Google, Inc. (Wilmington, United States) (represented by: M. Kinkeldey and A. Bognár, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: G-mail GmbH (Los Angeles, United States) (represented by: S. Eble, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 September 2010 (Case R 342/2010-4) in relation to opposition proceedings between Giersch Ventures LLC and Google, Inc.

Operative part of the order

1. *There is no need to adjudicate on the action.*

2. *The applicant and the intervener shall bear their own costs and shall each pay half of those incurred by the defendant.*

(1) OJ C 30, 29.1.2011.

Order of the General Court of 4 June 2012 — Attey and Others v Council

(Joined Cases T-118/11, T-123/11 and T-124/11) (1)

(Common foreign and security policy — Restrictive measures adopted having regard to the situation in Côte d'Ivoire — Withdrawal of the list of persons concerned — Action for annulment — No need to adjudicate)

(2012/C 227/33)

Language of the case: French

Parties

Applicants: Philipp Attey (Abidjan, Côte d'Ivoire) (Case T-118/11); Thierry Legré (Abidjan) (Case T-123/11); and Stéphane Kipré (Abidjan) (T-124/11) (represented by: J.-C. Tchikaya, lawyer)

Defendant: Council of the European Union (represented by: B. Driessen and M. Chavrier, Agents)