GENERAL COURT

Judgment of the General Court of 27 June 2012 — Hearst Communications, Inc., v OHIM — Vida Estética (COSMOBELLEZA)

(Case T-344/09) [1]

(Community trade mark — Opposition proceedings — Application for Community word mark COSMOBELLEZA — Earlier national and international word and figurative marks COSMO, COSMOPOLITAN, COSMOTEST, COSMOPOLITAN TELEVISION and THE COSMOPOLITAN SHOW — Non registered marks and trade names COSMO and COSMOPOLITAN — Relative grounds for refusal — No likelihood of confusion — No similarity between the marks — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 235/31)

Language of the case: English

Parties

Applicant: Hearst Communications, Inc., (New York, United States) (represented by: A. Nordemann, C. Czychowski and A. Nordemann-Schiffel, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by C. Bartos, and subsequently by V. Melgar, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Vida Estética, SL (Barcelona, Spain) (represented by: A.I. Alejos Cutuli, lawyer)

Re:

Action against the decision of the Second Board of Appeal of OHIM of 4 June 2009 (Case R 770/2007-2) relating to opposition proceedings between Hearst Communications, Inc. and Vida Estética, SL

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Hearst Communications, Inc. to pay the costs.*

[1] OJ C 256, 24.10.2009.

Judgment of the General Court of 27 June 2012 — Bolloré v Commission

(Case T-372/10) [1]

(Competition — Cartels — Carbonless paper market — Price-fixing — Decision finding an infringement of Article 101 TFEU — Decision taken following the annulment of a first decision — Imputation of the infringement to the parent company, as directly responsible — Nullum crimen, nulla poena sine lege — Legal certainty — Individual nature of penalties — Fair hearing — Equal treatment — Reasonable time — Rights of the defence — Fines — Limitation period — Mitigating circumstances — Cooperation)

(2012/C 235/32)

Language of the case: French

Parties

Applicant: Bolloré (Ergué-Gabéric, France) (represented by: P. Gassenbach, C. Lemaire and O. de Juvigny, lawyers)

Defendant: European Commission (represented by: W. Mölls, F. Castillo de la Torre and R. Sauer, Agents, assisted by N. Coutrelis, lawyer)

Re:

Application for annulment or alteration of Commission Decision C(2010) 4160 final of 23 June 2010, relating to proceedings under Article 101 TFEU and Article 53 of the EEA Agreement (Case COMP/36.212 — Carbonless paper).

Operative part of the judgment

The Court:

1. *Dismisses the action;*

2. *Orders Bolloré to bear its own costs and to pay those incurred by the European Commission.*

[1] OJ C 301, 6.11.2010.

Action brought on 23 December 2011 — H-Holding v Parliament

(Case T-672/11)

(2012/C 235/33)

Language of the case: German

Parties

Applicant: H-Holding AG (Cham, Switzerland) (represented by: R. Závodný, lawyer)