



Reports of Cases

Judgment of the General Court (Second Chamber) of 2 February 2016 —

Benelli Q.J. v OHIM — Demharter (MOTOBI)

(Case T-170/13)

(Community trade mark — Revocation proceedings — Community word mark MOTOBI —
Genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009)

1. *Community trade mark — Appeals procedure — Action before the EU judicature — Jurisdiction of the General Court — Review of the lawfulness of decisions of the Boards of Appeal — Re-examination of the facts in the light of evidence not previously submitted before OHIM bodies — Not included (Council Regulation No 207/2009, Art. 65) (see para. 24)*
2. *Community trade mark — Surrender, revocation and invalidity — Causes of revocation — No genuine use of a trade mark — Proof of use of the earlier mark — Genuine use — Criteria for assessment (Council Regulation No 207/2009, Art. 51(1)(a)) (see paras 39-45)*
3. *Community trade mark — Surrender, revocation and invalidity — Causes of revocation — No of genuine use of a trade mark — Word mark MOTOBI (Council Regulation No 207/2009, Art. 51(1)(a)) (see paras 51-59,73)*

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 16 January 2013 (Case R 2080/2011-2), relating to revocation proceedings between Demharter GmbH and Benelli Q.J. Srl.

Operative part

The Court:

1. Dismisses the action;
2. Orders Benelli Q.J. Srl to pay the costs.