

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Gütermann AG et Zwicky & Co. AG to pay the costs.

(¹) OJ C 60, 11.3.2006.

**Judgment of the General Court of 13 April 2010 —
Esotrade v OHIM — Segura Sánchez (YoKaNa)**

(Case T-103/06) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark YoKaNa — Earlier Community and national figurative marks YOKONO — Relative grounds for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2010/C 148/45)

Language of the case: Spanish

Parties

Applicant: Esotrade SA (Madrid, Spain) (represented by: J. de Rivera Lamo de Espinosa and J.E. Astiz Suárez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. García Murillo and O. Montalto, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Antonio Segura Sánchez (Alicante, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 10 January 2006 (Case R 217/2004-2), concerning opposition proceedings between Antonio Segura Sánchez and Esotrade SA.

Operative part of the judgment

The Court:

1. Dismisses the action;

2. Orders the applicant to pay the costs.

(¹) OJ C 121, 20.5.2006.

**Judgment of the General Court of 15 April 2010 — Cabel
Hall Citrus v OHIM — Casur (EGLÉFRUIT)**

(Case T-488/07) (¹)

(Community trade mark — Invalidity proceedings — Community word mark EGLÉFRUIT — Earlier Community word mark UGLI and earlier national figurative mark ‘UGLI Fruit — but the affliction is only skin deep’ — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) and Article 52(1)(a) of Regulation (EC) No 40/94 (now Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009))

(2010/C 148/46)

Language of the case: English

Parties

Applicant: Cabel Hall Citrus Ltd (George Town, Grand Cayman, Cayman Islands) (represented by: C. Rogers, barrister)

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

Other party to the proceedings before the Board of Appeal of OHIM: Casur S. Coop. Andaluza (Viator, Spain)

Re:

Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 19 September 2007 (Case R 293/2007-1), relating to invalidity proceedings between Cabel Hall Citrus Ltd and Casur S.C. Andaluza.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Cabel Hall Citrus Ltd to pay the costs.

(¹) OJ C 64, 8.3.2008.