

**Judgment of the General Court of 13 September 2010 — Procter & Gamble v OHIM — Prestige Cosmetics (P&G PRESTIGE BEAUTE)**

(Case T-366/07) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark P&G PRESTIGE BEAUTE — Earlier national figurative marks Prestige — Partial refusal to register — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))*

(2010/C 301/39)

Language of the case: English

**Parties**

*Applicant:* The Procter & Gamble Company (Cincinnati, Ohio, United States) (represented by: K. Sandberg and B. Klingberg, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Laporta Insa, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM:* Prestige Cosmetics SpA (Anzola Emilia, Italy) (represented by: A. Mugnoz, M. Andreolini and A. Parini, lawyers)

**Re:**

ACTION brought against the decision of the Second Board of Appeal of OHIM of 19 July 2007 (Case R 681/2006-2) relating to opposition proceedings between Prestige Cosmetics Srl and The Procter & Gamble Company

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 19 July 2007 (Case R 681/2006-2);
2. Orders OHIM to pay, in addition to its own costs, the costs incurred by The Procter & Gamble Company in the proceedings before the Court;
3. Orders Prestige Cosmetics SpA to pay, in addition to its own costs, the costs incurred by The Procter & Gamble Company in the proceedings before the Board of Appeal;
4. Dismisses the action as to the remainder.

<sup>(1)</sup> OJ C 283, 24.11.2007.

**Judgment of the General Court of 13 September 2010 — Travel Service v OHIM — Eurowings Luftverkehrs (smartWings)**

(Case T-72/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community figurative mark smartWings — Earlier national and international word and figurative marks EUROWINGS and EuroWings — Relative ground 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) — Obligation to state the reasons on which the decision is based — Article 73 of Regulation No 40/94 (now Article 75 of Regulation No 207/2009) — Article 79 of Regulation No 40/94 (now Article 83 of Regulation No 207/2009))*

(2010/C 301/40)

Language of the case: English

**Parties**

*Applicant:* Travel Service a.s. (Prague, Czech Republic) (represented by: S. Hejdová and R. Charvát, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Eurowings Luftverkehrs AG (Nuremberg, Germany) (represented by: J. Schmidt, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 21 November 2007 (Case R 1515/2006-2), relating to opposition proceedings between Eurowings Luftverkehrs AG and Travel Service a.s.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Travel Service a.s. to pay, in addition to its own costs, the costs of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Eurowings Luftverkehrs AG.

<sup>(1)</sup> OJ C 107, 26.4.2008.