

Judgment of the General Court of 5 May 2011 — Olymp Bezner v OHIM — Bellido (OLYMP)

(Case T-204/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark OLYMP — Earlier national figurative mark OLIMPO — 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)

(2011/C 186/38)

Language of the case: English

Parties

Applicant: Olymp Bezner GmbH & Co. KG (Bietigheim-Bissingen, Germany) (represented by: M. Eck and J. Dönch, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Miguel Bellido, SA (Manzanares, Spain)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 5 March 2009 (Case R 598/2008-2) relating to opposition proceedings between Miguel Bellido SA and Olymp Bezner GmbH & Co. KG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Olymp Bezner GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 167, 18.7.2009.

Judgment of the General Court of 17 May 2011 — Consejo Regulador de la Denominación de Origen Txakoli de Álava and Others v OHIM (TXAKOLI)

(Case T-341/09) ⁽¹⁾

(Community trade mark — Application for a Community collective verbal mark TXAKOLI — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Article 66(2) of Regulation No 207/2009 — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009)

(2011/C 186/39)

Language of the case: Spanish

Parties

Applicants: Consejo Regulador de la Denominación de Origen Txakoli de Álava (Amurrio, Spain); Consejo Regulador de la Denominación de Origen Txakoli de Bizkaia (Leioa, Spain); and Consejo Regulador de la Denominación de Origen Txakoli de Getaria (Getaria, Spain) (represented by: J. Grimau Muñoz and J. Villamor Mugerza, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 June 2009 (Case R 197/2009-2), concerning an application for the registration of the word sign TXAKOLI as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Consejo Regulador de la Denominación de Origen Txakoli de Álava, Consejo Regulador de la Denominación de Origen Txakoli de Bizkaia and Consejo Regulador de la Denominación de Origen Txakoli de Getaria are ordered to pay the costs.

⁽¹⁾ OJ C 256, 24.10.2009.