

**Judgment of the General Court of 18 May 2011 —
Habanos v OHIM — Tabacos de Centroamérica (KIOWA)**

(Case T-207/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark KIOWA — Earlier Community and national figurative marks COHIBA — Relative ground for refusal — No likelihood of confusion — No similarity of signs — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2011/C 194/18)

Language of the case: Spanish

Parties

Applicant: Corporación Habanos, SA (Havana, Cuba) (represented initially by V. Gil Vega and A. Ruiz López, and subsequently by A. Ruiz López, 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, intervener before the Court: Tabacos de Centroamérica, SL (Pozuelo de Alarcón, Spain) (represented by: R.M. Caldés Llopis, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 31 March 2008 (Case R 1189/2007-2) relating to opposition proceedings between Corporación Habanos, SA and Tabacos de Centroamérica, SL.

Operative part of the judgment

1. The action is dismissed;
2. Corporación Habanos, SA is ordered to bear its own costs and pay those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Tabacos de Centroamérica, SL is ordered to bear its own costs.

⁽¹⁾ OJ C 209, 15.08.2008.

**Judgment of the General Court of 19 May 2011 — PJ
Hungary v OHIM — Pepekillo (PEPEQUILLO)**

(Case T-580/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark PEPEQUILLO — Earlier national and Community word and figurative marks PEPE and PEPE JEANS — Restitutio in integrum — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Article 78 of Regulation (EC) No 40/94 (now Article 81 of Regulation (EC) No 207/2009) — Article 8(1)(b) and (5) of Regulation No 40/94 (now Article 8(1)(b) and (5) of Regulation No 207/2009))

(2011/C 194/19)

Language of the case: Spanish

Parties

Applicant: PJ Hungary Szolgáltató kft (PJ Hungary kft) (Budapest, Hungary) (represented by: H. Granado Carpenter and C. Gutiérrez Martínez, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: O. Mondéjar Ortuño, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court: Pepekillo, SL (Algeciras, Spain) (represented by: J. Garrido Pastor, lawyer)

Re:

Action brought against the decisions of the First Board of Appeal of OHIM of 30 April and 24 September 2008 (both given in Case R 722/2007-1), concerning the application restitutio in integrum of Pepekillo, SL, and the opposition proceedings between PJ Hungary Szolgáltató kft (PJ Hungary kft) and Pepekillo, respectively.

Operative part of the judgment

1. The decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 24 September 2008 (Case R 722/2007-1) is annulled;
2. The remainder of the action is dismissed;
3. OHIM is ordered to bear its own costs, half of the costs of PJ Hungary Szolgáltató kft (PJ Hungary kft) as well as the costs necessarily incurred by PJ Hungary kft for the purpose of the proceedings before the First Board of Appeal of OHIM;
4. Pepekillo, SL is ordered to bear its own costs and half of the costs of PJ Hungary kft.

⁽¹⁾ OJ C 44, 21.2.2009.