

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Omnicare, Inc. to pay the costs.

(¹) OJ C 244, 10.10.2009.

**Judgment of the General Court of 9 September 2011 —
Ergo Versicherungsgruppe v OHIM — DeguDent (ERGO)**

(Case T-382/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark ERGO — Prior Community and national word marks CERGO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Duty to rule on the entirety of the action — Scope of the examination to be carried out by the Board of Appeal — Article 64(1) of Regulation No 207/2009)

(2011/C 311/76)

Language of the case: German

Parties

Applicant: Ergo Versicherungsgruppe AG (Düsseldorf, Germany) (represented by: V. von Bomhard, A.W. Renck, T. Dolde and J. Pause, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: DeguDent GmbH (Hanau, Germany) (represented by: initially W. Blau, then W. Blau, D. Kaya and C. Kusulis, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 23 July 2009 (Case R 44/2008-4) concerning opposition proceedings between DeguDent GmbH and Ergo Versicherungsgruppe AG

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 23 July 2009 (Case R 44/2008-4) in so far as the Board of Appeal omitted to rule on the action brought before it as regards the goods in Class 5
2. Dismisses the remainder of the action;

3. Orders Ergo Versicherungsgruppe AG, DeguDent GmbH and OHIM to bear their own costs.

(¹) OJ C 297, 5.12.2009.

**Judgment of the General Court of 15 September 2011 —
centrotherm Clean Solutions v OHIM — Centrotherm
Systemtechnik (CENTROTHERM)**

(Case T-427/09) (¹)

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

(2011/C 311/77)

Language of the case: German

Parties

Applicant: centrotherm Clean Solutions GmbH & Co. KG (Blau-beuren, Germany) (represented by: O. Löffel, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider and R. Manea, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Centrotherm Systemtechnik GmbH (Brilon, Germany) (represented by: J. Albrecht and U. Vormbrock, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 August 2009 (Case R 6/2008-4) relating to revocation proceedings between centrotherm Clean Solutions GmbH & Co. KG and Centrotherm Systemtechnik GmbH

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 August 2009 (Case R 6/2008-4) in so far as it annuls the decision of the Cancellation Division of 30 October 2007 in part;
2. Orders OHIM to bear its own costs and to pay those incurred by centrotherm Clean Solutions GmbH & Co. KG;
3. Orders Centrotherm Systemtechnik GmbH to bear its own costs.

(¹) OJ C 312, 19.12.2009.