

**Judgment of the General Court of 20 October 2011 —
COR Sitzmöbel Helmut Lübke v OHIM — El Corte
Inglés (COR)**

(Case T-214/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for territorial extension of the protection of an international registration — Word mark COR — Earlier Community word mark CADENACOR — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Similarity of the signs — Similarity of the goods)

(2011/C 355/28)

Language of the case: English

Parties

Applicant: COR Sitzmöbel Helmut Lübke GmbH & Co. KG (Rheda-Wiedenbrück, Germany) (represented by: Y.-G. von Amsberg and A.-S. Loesenbeck, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo, M.E. López Camba and Seijo Veiguela, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 March 2009 (Case R 376/2008-2) concerning opposition proceedings between El Corte Inglés, SA, and COR Sitzmöbel Helmut Lübke GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders COR Sitzmöbel Helmut Lübke GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 180, 1.8.2009.

**Judgment of the General Court of 26 October 2011 —
Bayerische Asphaltmischwerke v OHIM — Koninklijke
BAM Groep (bam)**

(Case T-426/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BAM — Earlier national figurative mark BAM — Relative ground for refusal — Likelihood of confusion — No similarity of the goods — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 355/29)

Language of the case: English

Parties

Applicant: Bayerische Asphaltmischwerke GmbH & Co. KG für Straßenbaustoffe (Hofolding, Germany) (represented by: G. Würtenberger and R. Kunze, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Koninklijke BAM Groep NV (Bunnik, Netherlands) (represented by: initially, J. van Manen, subsequently, J. van Manen and M. van de Braak, and lastly, J. van Manen and R. Sjoerdsma, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 11 August 2009 (Case R 1005/2008-2), relating to opposition proceedings between Bayerische Asphaltmischwerke GmbH & Co. KG für Straßenbaustoffe and Koninklijke BAM Groep NV

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bayerische Asphaltmischwerke GmbH & Co. KG für Straßenbaustoffe to pay, in addition to its own costs, the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Koninklijke BAM Groep NV, including, as regards the latter, the costs necessarily incurred for the purposes of the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 11, 16.1.2010.

**Judgment of the General Court of 26 October 2011 —
Dufour v ECB**

(Case T-436/09) ⁽¹⁾

(Access to documents — Decision 2004/258/EC — ECB's databases used for the preparation of reports on staff recruitment and mobility — Refusal of access — Action for annulment — Interest in bringing proceedings — Admissibility — Meaning of 'document' — Action for damages — Premature)

(2011/C 355/30)

Language of the case: French

Parties

Applicant: Julien Dufour (Jolivet, France) (represented by: I. Schoenacker Rossi and H. Djeyaramane, lawyers)

Defendant: European Central Bank (ECB) (represented by: initially K. Laurinavicius and S. Lambrinoc, then S. Lambrinoc and P. Embley, Agents)