

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by A. Pohlmann, then D. Walicka, agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Ferrero SpA (Alba, Italy) (represented by: F. Jacobacci and L. Ghedina, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 October 2010 (Case R 815/2009-4) relating to opposition proceedings between Ferrero SpA and Mr Harald Wohlfahrt.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Harald Wohlfahrt to pay the costs.

(¹) OJ C 63, 26.2.2011

Judgment of the General Court of 15 May 2012 — Nijs v Court of Auditors

(Case T-184/11 P) (¹)

(Appeal — Civil service — Officials — Disciplinary measures — Disciplinary procedure — Removal from post with entitlement to old-age pension — Articles 22a and 22b of the Staff Regulations — Requirement for precision in the appeal — New plea in law — Effective judicial protection — Article 47 of the Charter of Fundamental Rights — No obligation on the court to raise of its own motion a plea alleging infringement of the principle that action must be taken within a reasonable period)

(2012/C 194/32)

Language of the case: French

Parties

Appellant: Bart Nijs (Bereldange, Luxembourg) (represented by: F. Rollinger and P.-F. Onimus, lawyers)

Other party to the proceedings: Court of Auditors of the European Union (represented by: T. Kennedy, J. Vermer and K. Zavřelová, Agents)

Re:

Appeal against the judgment of the Civil Service Tribunal of the European Union (Second Chamber) of 13 January 2011 in Case F-77/09 Nijs v Court of Auditors, not published in the ECR, seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Bart Nijs to bear his own costs and to pay the costs incurred by the Court of Auditors of the European Union in the appeal proceedings.

(¹) OJ C 179, 18.6.2011.

Judgment of the General Court of 15 May 2012 — Ewald v OHIM — Kin Cosmetics (Keen)

(Case T-280/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark Keen — Community figurative mark KIN — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 194/33)

Language of the case: German

Parties

Applicant: Rita Ewald (Frauenwald, Germany) (represented by: S. Reinhardt, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Kin Cosmetics, S.A. (Sant Feliu de Guixols, Spain)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 3 March 2011 (Case R 1383/2010-1), relating to opposition proceedings between Kin Cosmetics, S.A. and Ms Rita Ewald

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Ms Rita Ewald to pay the costs.

(¹) OJ C 238, 13.8.2011.

Action brought on 30 March 2012 — Comsa v OHIM — COMSA (COMSA)

(Case T-144/12)

(2012/C 194/34)

Language in which the application was lodged: Spanish

Parties

Applicant: Comsa, SA (Barcelona, Spain) (represented by: M. Aznar Alonso, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Constructora de obras municipales, SA (COMSA) (Madrid, Spain)