

Judgment of the General Court of 3 October 2012 –Yılmaz v OHIM — Tequila Cuervo (TEQUILA MATADOR HECHO EN MEXICO)

(Case T-584/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark TEQUILA MATADOR HECHO EN MEXICO — Earlier national and international word marks MATADOR — Relative ground for refusal — No likelihood of confusion — No similarity of the goods — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 355/55)

Language of the case: English

Parties

Applicant: Mustafa Yılmaz (Stuttgart, Germany) (represented: initially by F. Kuschmirek, and subsequently by F. Stangl, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Tequila Cuervo, SA de CV (Tlaquepaque, Jalisco, Mexico) (represented by: S. Salvetti, lawyer)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 13 October 2010 (Case R 1162/2009-2), concerning opposition proceedings between Mustafa Yılmaz and Tequila Cuervo, SA de CV.

Operative part of the judgment

The Court:

1. Holds that it is unnecessary to adjudicate on the action in so far as it seeks the annulment of the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 13 October 2010 (Case R 1162/2009-2) in so far as it accepted registration of the mark applied for in respect of 'alcoholic beverages';

2. Dismisses the action as to the remainder;

3. Orders Mustafa Yılmaz to bear his own costs and to pay those incurred by OHIM and by Tequila Cuervo, SA de CV.

⁽¹⁾ OJ C 55, 19.2.2011.

Order of the General Court of 21 September 2012 — TI Media Broadcasting and TI Media v Commission

(Case T-501/10) ⁽¹⁾

(Competition — Concentrations — Italian pay-TV market — Decision modifying the commitments attached to a decision declaring a concentration compatible with the common market and the EEA agreement — Call for tenders for the award of digital terrestrial television frequencies in Italy — Action devoid of purpose — No need to adjudicate — Inadmissibility)

(2012/C 355/56)

Language of the case: Italian

Parties

Applicants: Telecom Italia Media Broadcasting Srl (TI Media Broadcasting) (Rome, Italy) and Telecom Italia Media SpA (TI Media) (Rome) (represented by: B. Caravita di Toritto, L. Sabelli, F. Pace and A. d'Urbano, lawyers)

Defendant: European Commission (represented by: initially B. Gencarelli and P. Manzini, and subsequently L. Malferrari and J. Bourke, acting as Agents)

Intervener in support of the defendant: Sky Italia Srl (Milan, Italy) (represented by: F. González Díaz and F. Salerno, lawyers)

Re:

Application for annulment of Commission Decision C(2010) 4976 final of 20 July 2010 modifying the commitments attached to a decision declaring a concentration compatible with the common market and the EEA agreement (Case COMP/M.2876).

Operative part of the order

1. There is no further need to adjudicate on the first and fourth heads of claim.
2. The remainder of the application is dismissed.
3. Each party shall bear its own costs.

⁽¹⁾ OJ C 346, 18.12.2010.