

**Judgment of the General Court of 11 December 2012 —
Fomanu v OHIM (Qualität hat Zukunft)**

(Case T-22/12) ⁽¹⁾

(Community trade mark — Application for Community word mark Qualität hat Zukunft — Absolute grounds for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2013/C 26/84)

Language of the case: German

Parties

Applicant: Fomanu AG (Neustadt an der Waldnaab, Germany) (represented by: T. Raible, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 27 October 2011 (Case R 1518/2011-1) concerning an application for registration of the word sign Qualität hat Zukunft as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fomanu AG to pay the costs.

⁽¹⁾ OJ C 80, 17.3.2012.

**Judgment of the General Court of 28 November 2012 —
Bauer v OHIM — BenQ Materials (Daxon)**

(Case T-29/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Daxon — Earlier Community word mark DALTON — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 26/85)

Language of the case: German

Parties

Applicant: Erika Bauer (Schaufeling, Germany) (represented by: A. Merz, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: BenQ Materials Corp. (Gueishan Taoyuan, Taiwan)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 9 November 2011 (Case R 2191/2010-2) relating to opposition proceedings between Mrs Erika Bauer and BenQ Materials Corp.

Operative part of the judgment

The Court:

1. Alva Management GmbH is granted leave to be substituted for Mrs Erika Bauer as applicant;
2. The action is dismissed.
3. Alva Management is ordered to pay the costs.

⁽¹⁾ OJ C 80, 17.3.2012.

**Order of the General Court of 27 November 2012 —
Steinberg v Commission**

(Case T-17/10) ⁽¹⁾

(Action for annulment — Access to documents — Regulation (EC) No 1049/2001 — Documents relating to funding decisions for grants to Israeli and Palestinian non-governmental organisations under the ‘Partnership for Peace’ programme and the European Instrument for Democracy and Human Rights — Partial refusal of access — Exception relating to the protection of the public interest as regards public security — Obligation to state the reasons on which the decision is based — Action in part manifestly inadmissible and in part manifestly lacking any foundation in law)

(2013/C 26/86)

Language of the case: English

Parties

Applicant: Gerald Steinberg (Jerusalem, Israel) (represented by: T. Asserson, Solicitor)

Defendant: European Commission (represented by: C. Tufvesson and C. ten Dam, Agents)

Re:

Application for annulment of Commission Decision SG.E.3/MV/psi D(2009) 3914 of 15 May 2009, partially refusing the applicant access to certain documents relating to funding decisions for grants to Israeli and Palestinian non-governmental organisations under the ‘Partnership for Peace’ programme and the European Instrument for Democracy and Human Rights (EIDHR)

Operative part of the order

1. The action is dismissed as, in part, manifestly inadmissible and, in part, manifestly lacking any foundation in law;