

1st phase' (CCI 2000.ES.16.C.PT.001), 'Madrid-Zaragoza-Barcelona-French border High-Speed Line. Approaches to Zaragoza' (CCI 2000.ES.16.C.PT.003), 'Madrid- Barcelona-French border High-Speed Line. Lleida-Martorell section. X-A sub-section (Olérdola — Avinyonet del Penedés)' (CCI 2001.ES.16.C.PT.007), 'New High-Speed rail access to Levante. La Gineta-Albacete sub-section (Platform)' (CCI 2004.ES.16.C.PT.014) and, in the alternative, application for partial annulment of the same decision so far as concerns the corrections made by the Commission.

### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Kingdom of Spain to pay the costs.

(<sup>1</sup>) OJ C 186, 25.6.2011.

### Judgment of the General Court of 6 February 2013 — Bopp v OHIM (Representation of a green octagonal frame)

(Case T-263/11) (<sup>1</sup>)

*(Community trade mark — Application for a Community figurative mark representing a green octagonal frame — Absolute ground for refusal — Distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Offer of evidence submitted for the first time in the reply — Article 48(1) of the Rules of Procedure of the General Court — Document sent to OHIM by fax — Applicable rules)*

(2013/C 79/26)

Language of the case: German

#### Parties

*Applicant:* Carsten Bopp (Glashütten, Germany) (represented by: C. Russ, lawyer)

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

#### Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 11 March 2011 (Case R 605/2010-4), concerning an application for registration as a Community trade mark of a figurative sign representing a green octagonal frame.

### 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 11 March 2011 (Case R 605/2010-4);

2. Orders OHIM to pay the costs.

(<sup>1</sup>) OJ C 238, 13.8.2011.

### Judgment of the General Court of 1 February 2013 — Coin v OHIM — Dynamiki Zoi (Fitcoin)

(Case T-272/11) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for the Community word mark Fitcoin — Earlier national, Community and international figurative marks coin — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2013/C 79/27)

Language of the case: English

#### Parties

*Applicant:* Coin SpA (Venice, Italy) (represented by: P. Perani and G. Ghisletti, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar Ortuño, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM:* Dynamiki Zoi AE (Athens, Greece)

#### Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 21 February 2011 (Case R 1836/2010-2), relating to opposition proceedings between Coin SpA and Dynamiki Zoi AE.

### Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 21 February 2011 (Case R 1836/2010-2) in so far as it rejected the opposition as regards the 'Clothing, including footwear and slippers' in Class 25;
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay a third of the costs incurred by Coin SpA;
4. Orders Coin to bear two-thirds of its own costs.

(<sup>1</sup>) OJ C 226, 30.7.2011.