

## GENERAL COURT

### Judgment of the General Court of 11 April 2013 — CBp Carbon Industries v OHIM (CARBON GREEN)

(Case T-294/10) <sup>(1)</sup>

**(Community trade mark — International registration designating the European Community — Community word mark CARBON GREEN — Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)**

(2013/C 147/26)

*Language of the case: English*

#### Parties

**Applicant:** CBp Carbon Industries, Inc. (Tortola, British Virgin Islands, United Kingdom) (represented by: S. Malynicz, Barrister, and J. Fish, Solicitor)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

#### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 21 April 2010 (Case R 1361/2009-1), concerning an application for registration of the word sign CARBON GREEN as a Community trade mark

#### Operative part of the judgment

*The Court:*

1. Dismisses the action;
2. Orders CBp Carbon Industries, Inc. to pay the costs.

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<sup>(1)</sup> OJ C 260, 25.9.2010.

### Judgment of the General Court of 10 April 2013 — Höganäs v OHIM — Haynes (ASTALOY)

(Case T-505/10) <sup>(1)</sup>

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

(2013/C 147/27)

*Language of the case: English*

#### Parties

**Applicant:** Höganäs AB (Höganäs, Sweden) (represented by: L.-E. Ström, lawyer)

**Defendant:** Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

**Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:** Haynes International, Inc. (Kokomo, Indiana (United States)) (represented by: E. Armijo Chávarri and A. Castán Pérez-Gómez, lawyers)

#### Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 18 August 2010 (Case R 1530/2009-4), relating to opposition proceedings between Haynes International, Inc. and Höganäs AB.

#### Operative part of the judgment

*The Court:*

1. Dismisses the action.
2. Orders Höganäs AB to pay the costs.

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<sup>(1)</sup> OJ C 346, 18.12.2010.

### Judgment of the General Court of 10 April 2013 — GRP Security v Court of Auditors

(Case T-87/11) <sup>(1)</sup>

**(Arbitration clause — Public service contracts — Surveillance and security services for the buildings of the Court of Auditors — Action for annulment — Decision to unilaterally terminate the contract with application for payment of damages and interest — Measure of a contractual nature — Lack of reclassification of the action — Inadmissibility — Decision to impose a penalty of exclusion for three months — Interest in bringing proceedings — Rights of defence — Serious breach of obligations — Principle that penalties must have a proper legal basis — Misuse of powers — Proportionality)**

(2013/C 147/28)

*Language of the case: French*

#### Parties

**Applicant:** GRP Security (Bertrange, Luxembourg) (represented by: initially by G. Osch, then by C. Arendt and M. Larbi, lawyers)

**Defendant:** Court of Auditors of the European Union (represented by: initially by T. Kennedy, J.-M. Stenier and J. Vermer, then by T. Kennedy and J. Vermer, acting as Agents)