

Judgment of the General Court of 17 May 2013 — Sanofi Pasteur MSD v OHIM — Mundipharma (Representation of two devices of crossing sickles)

(Case T-502/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark representing two devices of crossing sickles — Earlier national and international figurative marks representing two devices of ribbons — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009)

(2013/C 189/41)

Language of the case: German

Parties

Applicant: Sanofi Pasteur MSD SNC (Lyon, France) (represented by: T. de Haan, P. Péters and V. Wellens, lawyers)

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: Mundipharma AG (Basel, Switzerland) (represented by: F. Nielsen, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 22 July 2011 (Case R 1904/2010-4), relating to opposition proceedings between Sanofi Pasteur MSD SNC and Mundipharma AG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sanofi Pasteur MSD SNC to pay the costs.

⁽¹⁾ OJ C 340, 19.11.2011.

Judgment of the General Court of 16 May 2013 — Verus v OHIM — Performance Industries Manufacturing (VORTEX)

(Case T-104/12) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for registration of the Community word mark VORTEX — Earlier Community word mark VORTEX — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Right of priority — Article 29 of Regulation No 207/2009 — Partial surrender — Article 50 of Regulation No 207/2009 — Infringement of the right to be heard — Article 75, second sentence, of Regulation No 207/2009)

(2013/C 189/42)

Language of the case: German

Parties

Applicant: Verus Eood (Sofia, Bulgaria) (represented initially by S. Vykydal, then by F. Henkel, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Performance Industries Manufacturing, Inc. (Odessa, Florida, United States)

Re:

Action brought against the decision of the Fourth Chamber of the Board of Appeal of OHIM of 21 December 2011 (Case R 512/2011-4), relating to opposition proceedings between Verus Eood and Performance Industries Manufacturing Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Verus Eood to pay the costs.

⁽¹⁾ OJ C 157, 2.6.2012.

Judgment of the General Court of 17 May 2013 — Rocket Dog Brands LLC v OHIM — Julius-K9 (JULIUS K9)

(Case T-231/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark JULIUS K9 — Earlier Community figurative marks K9 — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 189/43)

Language of the case: English

Parties

Applicant: Rocket Dog Brands LLC (Hayward, United-States) (represented by: C. Aikens, Barrister)