

Operative part of the judgment

The Court:

1. Dismisses the action as inadmissible in so far as it seeks the annulment of Commission Regulation (EU) No 222/2011 laying down exceptional measures as regards the release of out-of-quota sugar and isoglucose on the Union market at reduced surplus levy during marketing year 2010/2011, Commission Implementing Regulation (EU) No 293/2011 of 23 March 2011 fixing allocation coefficient, rejecting further applications and closing the period for submitting applications for available quantities of out-of-quota sugar to be sold on the Union market at reduced surplus levy, Commission Implementing Regulation No 302/2011 of 28 March 2011 opening an exceptional import tariff quota for certain quantities of sugar in the 2010/11 marketing year, and Commission Implementing Regulation (EU) No 393/2011 of 19 April 2011 fixing the allocation coefficient for the issuing of import licences applied for from 1 to 7 April 2011 for sugar products under certain tariff quotas and suspending submission of applications for such licences;
2. Dismisses the plea of inadmissibility as regards the claim for compensation for the damage suffered;
3. Reserves the costs.

(¹) OJ C 232, 6.8.2011.

Judgment of the General Court of 30 May 2013 — ultra air v OHIM — Donaldson Filtration Deutschland (ultrafilter international)

(Case T-396/11) (¹)

(Community trade mark — Invalidity proceedings — Community word mark ultrafilter international — Absolute ground for refusal — Article 52(1)(a) of Regulation (EC) No 207/2009 — Abuse of rights)

(2013/C 225/156)

Language of the case: German

Parties

Applicant: ultra air GmbH (Hilden, Germany) (represented by: C. König, lawyer)

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: Donaldson Filtration Deutschland GmbH (Haan, Germany) (represented by: N. Siebertz and M. Teworte-Vey, lawyers)

Re:

Action seeking the annulment of the decision of the Fourth Board of Appeal of OHIM of 18 May 2011 (Case R 374/2010-4), relating to invalidity proceedings between ultra air GmbH and Donaldson Filtration Deutschland GmbH

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 18 May 2011 (Case R 374/2010-4);
2. Orders OHIM to bear its own costs and those incurred by ultra air GmbH;
3. Orders Donaldson Filtration Deutschland GmbH to bear its own costs.

(¹) OJ C 298, 8.10.2011.

Judgment of the General Court of 25 June 2013 — Aldi v OHIM — Dialcos (dialdi)

(Case T-505/11) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative trade mark dialdi — Earlier Community word mark ALDI — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 225/157)

Language of the case: English

Parties

Applicant: Aldi GmbH & Co. KG (Mülheim an der Ruhr, Germany) (represented by: N. Lützenrath, U. Rademacher, L. Kolks and C. Fürsen, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Dialcos SpA (Due Carrare, Italy) (represented by: B. Saguatti, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 5 July 2011 (Case R 1097/2010-2), concerning opposition proceedings between Aldi GmbH & Co. KG and Dialcos SpA.

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 5 July 2011 (Case R 1097/2010-2).
2. Orders OHIM to pay its own costs and also those incurred by Aldi GmbH & Co. KG.