

Judgment of the General Court of 16 September 2013 — Rovi Pharmaceuticals v OHIM — Laboratorios Farmacéuticos Rovi (ROVI Pharmaceuticals)

(Case T-97/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark ROVI Pharmaceuticals — Earlier Community figurative mark ROVI and earlier national word mark ROVIFARMA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Equal treatment)

(2013/C 336/37)

Language of the case: English

Parties

Applicant: Rovi Pharmaceuticals GmbH (Schlüchtern, Germany) (represented by: M. Berghofer, 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: Laboratorios Farmacéuticos Rovi, SA (Madrid, Spain) (represented by: G. Marín Raigal, P. López Ronda and G. Macias Bonilla, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 7 December 2010 (Case R 500/2010-2), relating to opposition proceedings between Laboratorios Farmacéuticos Rovi, SA and Rovi Pharmaceuticals GmbH

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Rovi Pharmaceuticals GmbH to pay the costs, including those incurred by Laboratorios Farmacéuticos Rovi, SA in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 120, 16.4.2011.

Judgment of the General Court of 16 September 2013 — Golden Balls Ltd v OHIM — Intra-Press (GOLDEN BALLS)

(Case T-437/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark GOLDEN BALLS — Earlier Community word mark BALLON D'OR — Similarity of the signs — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 — Application for annulment filed by the intervener — Article 134(3) of the Rules of Procedure of the General Court — Scope of the examination to be carried out by the Board of Appeal — Obligation to rule on the entirety of the action — Articles 8(5), 64(1) and 76(1) of Regulation No 207/2009)

(2013/C 336/38)

Language of the case: English

Parties

Applicant: Golden Balls Ltd (London, United Kingdom) (represented by: M. Edenborough QC, and S. Smith, Solicitor)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Intra-Press (Boulogne-Billancourt, France) (represented by: P. Péters, T. de Haan and M. Laborde, avocats)

Re:

Application for annulment of the decision of the First Board of Appeal of OHIM of 26 May 2011 (Case R 1310/2010-1) relating to opposition proceedings between Intra-Press and Golden Balls Ltd.

Operative part of the judgment

The Court:

1. Annuls point 1 of the operative part of the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 May 2011 (Case R 1310/2010-1);
2. Rejects the application for annulment submitted by Intra-Press;
3. Orders OHIM to bear, in addition to its own costs, those incurred by Golden Balls Ltd, with the exception of the latter's costs concerning the application for annulment based on Article 134(3) of the Rules of Procedure;
4. Orders Intra-Press to bear, in addition to its own costs, those incurred by Golden Balls Ltd concerning the application for annulment based on Article 134(3) of the Rules of Procedure.

⁽¹⁾ OJ C 298, 8.10.2011.