

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

(Case T-448/11) <sup>(1)</sup>

*(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 (EC) 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 336/39)

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-Pressé (Boulogne-Billancourt, France) (P. Péters, T. de Haan and M. Laborde, lawyers)

**Re:**

Application for annulment of the decision of the First Board of Appeal of OHIM of 22 June 2011 (R 1432/2010-1) relating to opposition proceedings between Intra-Pressé 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 22 June 2011 (Case R 1432/2010-1);
2. Rejects the application for annulment submitted by Intra-Pressé;
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-Pressé 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.

<sup>(1)</sup> OJ C 298, 8.10.2011.

**Judgment of the General Court of 16 September 2013 — Gitana SA v OHIM — Teddy (GITANA)**

(Case T-569/11) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for the Community figurative mark GITANA — Earlier Community figurative mark KiTANA — Proof of genuine use of the earlier mark — Article 42(2) and (3) of Regulation (EC) No 207/2009 — Relative ground for refusal — Likelihood of confusion — Identity or similarity of the goods — Similarity of the signs — Article 8(1)(b) of Regulation No 207/2009 — Partial refusal of registration)*

(2013/C 336/40)

Language of the case: English

**Parties**

*Applicant:* Gitana SA (Pregny-Chambésy, Switzerland) (represented by: F. Benech, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Teddy SpA (Rimini, Italy) (represented by: S. Rizzo, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 4 August 2011 (Case R 1825/2007-1), relating to opposition proceedings between Rosenruist — Gestão e serviços, L<sup>da</sup> and Gitana SA

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Gitana SA to pay the costs.

<sup>(1)</sup> OJ C 6, 7.1.2012.