

**Judgment of the General Court of 23 October 2013 —
Dimian v OHIM — Bayer Design Fritz Bayer (Baby
Bambolina)**

(Case T-581/11) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Figurative Community trade mark Baby Bambolina — Earlier unregistered national trade mark Bambolina — Relative ground for refusal — No use in trade of a sign of more than mere local significance — Article 8(4) and Article 53(1)(c) of Regulation (EC) No 207/2009)

(2013/C 359/14)

Language of the case: English

Parties

Applicant: Dimian AG (Nuremberg, Germany) (represented by: P. Pozzi and G. Ghisletti, 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, intervener before the General Court: Bayer Design Fritz Bayer GmbH & Co. KG (Michelau, Germany) (represented by: J. Pröll, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 3 August 2011 (Case R 1822/2010-2), relating to invalidity proceedings between Dimian AG and Bayer Design Fritz Bayer GmbH & Co. KG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dimian AG to pay the costs.

⁽¹⁾ OJ C 25, 28.1.2013.

**Judgment of the General Court of 23 October 2013 —
Bode Chemie GmbH v OHIM — Laros (sterilina)**

(Case T-114/12) ⁽¹⁾

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

(2013/C 359/15)

Language of the case: French

Parties

Applicant: Bode Chemie GmbH (Hamburg, Germany) (represented by: M. Aicher, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Laros Srl (Cremone, Italy) (represented by: F. Caricato, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 16 January 2012 (Case R 2423/2010-4) relating to opposition proceedings between Bode Chemie GmbH and Laros Srl.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bode Chemie GmbH to pay the costs, including the expenses necessarily incurred by Laros Srl for the purposes of the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

⁽¹⁾ OJ C 165, 9.6.2012.