

**Judgment of the General Court of 23 October 2013 —
Schulze v OHIM — GKL (Klassiklotterie)**

(Case T-155/12) ⁽¹⁾

(Community design — Invalidity proceedings — Application for Community word mark Klassiklotterie — Earlier national word mark NKL-Klassiklotterie — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 359/16)

Language of the case: German

Parties

Applicant: Hans Gerd Schulze (Hamburg, Germany) (represented by: K. Lodigkeit, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: GKL Gemeinsame Klassenlotterie der Länder, formerly NKL Nordwestdeutsche Klassenlotterie (Hamburg) (represented by: S. Russlies, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 30 January 2012 (Case R 600/2011-4) relating to invalidity proceedings between NKL Nordwestdeutsche Klassenlotterie and Mr Hans Gerd Schulze.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Hans Gerd Schulze to pay the costs.

⁽¹⁾ OJ C 165, 9.6.2012.

**Judgment of the General Court of 23 October 2013 — SFC
Jardibric v OHIM — Aqua Center Europa (AQUA FLOW)**

(Case T-417/12) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark AQUA FLOW — Earlier national figurative mark VAQUA FLOW — Relative ground for refusal — Likelihood of confusion — Declaration of invalidity — Article 8(1)(b) of Regulation (EC) No 207/2009 — No limitation in consequence of acquiescence — Article 54(2) of Regulation No 207/2009)

(2013/C 359/17)

Language of the case: English

Parties

Applicant: SFC Jardibric (Saint-Jean-de-la-Ruelle, France) (represented by: J.-L. Fourgoux, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: Ó. Mondéjar Ortuño, Agent)

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Aqua Center Europa, SA (Madrid, Spain) (represented by: M.J. Martín Izquierdo, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 July 2012 (Case R 2230/2010-4), relating to invalidity proceedings between Aqua Center Europa, SA and SFC Jardibric.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders SFC Jardibric to pay the costs.

⁽¹⁾ OJ C 373, 1.12.2012.