

4. *Orders ICdA, Rockwood Pigments (UK) and James M Brown to bear 10 % of their own costs and to pay 10 % of the costs incurred by the Commission.*

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

**Judgment of the General Court of 7 November 2013 — Budziewska v OHIM — Puma (Bounding feline)**

(Case T-666/11) (<sup>1</sup>)

*(Community design — Invalidity proceedings — Registered Community design representing a bounding feline — Earlier designs — Ground for invalidity — Lack of individual character — Informed user — Degree of freedom of the designer — Overall impression not different — Article 6 and Article 25(1)(b) of regulation (EC) No 6/2002)*

(2013/C 377/29)

Language of the case: Polish

**Parties**

*Applicant:* Danuta Budziewska (Łódź, Poland) (represented by: J. Masłowski, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Puma SE (Herzogenaurach, Germany) (represented by: P. González-Bueno Catalán de Ocón, lawyer)

**Re:**

Action brought against the decision of the Third Board of Appeal of OHIM of 23 September 2011 (Case R 1137/2010-3) relating to invalidity proceedings between Puma AG Rudolf Dassler Sport and Danuta Budziewska.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Danuta Budziewska to pay the costs.

(<sup>1</sup>) OJ C 109, 14.4.2012.

**Judgment of the General Court of 12 November 2013 — Wünsche Handelsgesellschaft International v Commission**

(Case T-147/12) (<sup>1</sup>)

*(Customs union — Imports of preserved mushrooms from China — Decision finding no justification for the remission of import duties — Article 220(2)(b) and Article 239 of Regulation (EEC) No 2913/92 — Detectable error on the part of the customs authorities — Obvious negligence on the part of the importer — Legitimate expectations — Proportionality — Sound administration — Equal treatment)*

(2013/C 377/30)

Language of the case: German

**Parties**

*Applicant:* Wünsche Handelsgesellschaft International mbH & Co KG (Hamburg, Germany) (represented by: K. Landry and G. Schwendinger, lawyers)

*Defendant:* European Commission (represented by: L. Keppenne and B.-R. Killmann, acting as Agents)

**Re:**

Application for annulment of Commission Decision C(2011) 6393 final of 16 September 2011 determining that remission of import duties was not justified in a particular case

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Wünsche Handelsgesellschaft International mbH & Co KG to pay the costs.

(<sup>1</sup>) OJ C 165, 9.6.2012.

**Judgment of the General Court of 12 November 2013 — Gamesa Eólica v OHIM — Enercon (Blended shades of green)**

(Case T-245/12) (<sup>1</sup>)

*(Community trade mark — Invalidity proceedings — Absolute ground for refusal — Application for Community trade mark consisting of blended shades of green — Distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Bad faith — Article 52(1)(b) of Regulation No 207/2009 — Article 62 of Regulation No 207/2009)*

(2013/C 377/31)

Language of the case: English

**Parties**

*Applicant:* Gamesa Eólica, SL (Sarriguren, Spain) (represented by: E. Armijo Chávarri and A. Sanz Cerralbo, lawyers)