

GENERAL COURT

Judgment of the General Court of 28 November 2013 — Lorenz Shoe Group v OHIM — Fuzhou Fuan Leather Plastics Clothing Making (Ganeder)(Case T-374/09) ⁽¹⁾*(Community trade mark — Opposition procedure — Application for Community word mark Ganeder — Earlier community word mark Ganter — Relative ground for refusal — Similarity of the signs — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2014/C 15/18)

*Language of the case: German***Parties***Applicant:* Lorenz Shoe Group AG (Taufkirchen an der Pram, Austria) (represented initially by M. Douglas, subsequently by N. Hebeis, lawyers)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: R. Pethke and A. Schifko, acting as Agents)*Other party to the proceedings before the Board of Appeal of OHIM:* Fuzhou Fuan Leather Plastics Clothing Making Co. Ltd (Cangshan Fuzhou, China) (represented by: A. Paschke, lawyer)**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 16 July 2009 (Case R 1289/2008-1), relating to an opposition procedure between shoe fashion group Lorenz AG and Fuzhou Fuan Leather Plastics Clothing Making Co. Ltd.

Operative part of the judgment*The Court:*

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 16 July 2009 (Case R 1289/2008-1);
2. Orders OHIM to bear its own costs and pay those incurred by Lorenz Shoe Group AG;

3. Orders Fuzhou Fuan Leather Plastics Clothing Making Co. Ltd to bear its own costs.

⁽¹⁾ OJ C 282, 21.11.2009.**Judgment of the General Court of 28 November 2013 — Herbacin cosmetic v OHIM — Laboratoire Garnier (HERBA SHINE)**(Case T-34/12) ⁽¹⁾*(Community trade mark — Opposition procedure — Application for Community word mark HERBA SHINE — Earlier national, Community and international word marks Herbacin — Relative ground for refusal — Genuine use of the earlier marks — Article 42(2) and (3) of Regulation (EC) No 207/2009 — Statement of reasons — Article 75 of Regulation No 207/2009)*

(2014/C 15/19)

*Language of the case: German***Parties***Applicant:* Herbacin cosmetic GmbH (Wutha-Farnroda, Germany) (represented by: J. Eberhardt, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Walicka, acting as Agent)*Other party to the proceedings before the Board of Appeal of OHIM:* Laboratoire Garnier et Cie (Paris, France)**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 22 November 2011 (Case R 2255/2010-1), relating to an opposition procedure between Herbacin cosmetic GmbH and Laboratoire Garnier et Cie.

Operative part of the judgment*The Court:*

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 November 2011 (Case R 2255/2010-1);