

**Judgment of the General Court of 11 December 2013 —
Smartbook v OHIM (SMARTBOOK)**

(Case T-123/12) ⁽¹⁾

**(Community trade mark — Application for Community word
mark SMARTBOOK — Absolute ground for refusal — Lack
of distinctiveness — Article 7(1)(b) of Regulation (EC)
No 207/2009)**

(2014/C 31/16)

Language of the case: German

Parties

Applicant: Smartbook AG (Offenburg, Germany) (represented by: C. Milbradt, A. Schwarz and F. Reiling, lawyers)

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

Intervener in support of the defendant: Qualcomm, Inc. (Dover, Delaware, United States) (represented by: A. Renck, A. Leister and V. von Bomhard, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 15 December 2011 (Case R 799/2011-2), concerning an application for registration of the word sign SMARTBOOK as a Community trade mark.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 157, 2.6.2012.

**Judgment of the General Court of 11 December 2013 —
Eckes-Granini v OHIM — Panini (PANINI)**

(Case T-487/12) ⁽¹⁾

**(Community trade mark — Opposition proceedings — Appli-
cation for the Community figurative mark PANINI — Earlier
national and Community word marks GRANINI — Relative
ground for refusal — No likelihood of confusion — Article
8(1)(b) of Regulation (EC) No 207/2009)**

(2014/C 31/17)

Language of the case: English

Parties

Applicant: Eckes-Granini Group GmbH (Nieder-Olm, Germany) (represented by: W. Berlit, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Panini SpA (Modène, Italy) (represented by F. Terrano, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 6 September 2012 (Case R 2393/2011-2) relating to opposition proceedings between Eckes-Granini Group GmbH and Panini SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Eckes-Granini Group GmbH to pay the costs.

⁽¹⁾ OJ C 26, 26.1.2013

**Action brought on 1 October 2013 — Société européenne
des chaux et liants v ECHA**

(Case T-540/13)

(2014/C 31/18)

Language of the case: French

Parties

Applicant: Société européenne des chaux et liants (Bourgoin-Jallieu, France) (represented by: J. Dezarnaud, lawyer)

Defendant: European Chemicals Agency (ECHA)

Form of order sought

— Uphold the applicant's request to be fully relieved of the fine of which it has been notified.

Pleas in law and main arguments

The applicant requests that it be relieved of the administrative charge imposed by Decision SME (2013) 1665 of the ECHA which found that the applicant does not fulfil the conditions for eligibility for the reduced fee envisaged for small-sized enterprises, in the light of its corrective declaration submitted after the initiation by the ECHA of the verification procedure relating to the size of the undertaking.