

**Judgment of the General Court of 23 January 2014 — NCL v OHIM (NORWEGIAN GETAWAY)**

(Case T-513/12) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark NORWEGIAN GETAWAY — Absolute grounds for refusal — Descriptive character — Lack of distinctiveness — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)*

(2014/C 71/32)

Language of the case: German

**Parties**

*Applicant:* NCL Corporation Ltd (Miami, Florida, United States) (represented by: N. Grüger, lawyer)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 September 2012 (Case R 1014/2012-4), concerning an application for registration of the word sign NORWEGIAN GETAWAY as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders NCL Corporation Ltd., in addition to bearing its own costs, to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

<sup>(1)</sup> OJ C 26, 26.1.2013.

**Judgment of the General Court of 23 January 2014 — NCL v OHIM (NORWEGIAN BREAKAWAY)**

(Case T-514/12) <sup>(1)</sup>

*(Community trade mark — Application for the Community word mark NORWEGIAN BREAKAWAY — Absolute grounds for refusal — Descriptive character — Lack of distinctiveness — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)*

(2014/C 71/33)

Language of the case: German

**Parties**

*Applicant:* NCL (Miami, Florida, United Kingdom) (represented by: N. Grüger, lawyer)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 September 2012 (Case R 1017/2012-4), concerning an application for registration of the word sign NORWEGIAN BREAKAWAY as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders NCL Corporation Ltd., in addition to bearing its own costs, to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

<sup>(1)</sup> OJ C 26, 26.1.2013.

**Judgment of the General Court of 23 January 2014 — Coppenrath-Verlag v OHIM — Sembella (Rebella)**

(Case T-551/12) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark Rebella — Earlier Community word mark SEMBELLA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Genuine use of the earlier mark — Article 42(2) and (3) of Regulation No 207/2009 — Point (a) of the second subparagraph of Article 15(1) of Regulation No 207/2009)*

(2014/C 71/34)

Language of the case: German

**Parties**

*Applicant:* Coppenrath-Verlag GmbH & Co. KG (Münster, Germany) (represented by: D. Pohl, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Sembella GmbH (Timelkam, Austria)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 5 October 2012 (Case R 1681/2011-2) relating to opposition proceedings between Sembella GmbH and Coppenrath-Verlag GmbH & Co. KG.