

Parties

Applicant: HP Health Clubs Iberia (Barcelona, Spain) (represented by: S. Serrat Viñas, lawyer)

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

Intervener in support of the defendant: Shiseido Company Ltd (Tokyo, Japan) (represented by: B. Moreau-Margotin, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 June 2012 (Case R 2212/2010-1) relating to opposition proceedings between Shiseido Company Ltd and HP Health Clubs Iberia S.A.

Operative part of the judgment

The Court:

1. *Dismisses the action.*
2. *Dismisses the heads of claims of Shiseido Company Ltd other than that essentially seeking the dismissal of the action as manifestly inadmissible.*
3. *Orders HP Health Clubs Iberia S.A. to bear its own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM.)*
4. *Orders Shiseido Company Ltd to bear its own costs.*

⁽¹⁾ OJ C 355, 17.11.2012.

Judgment of the General Court of 27 February 2014 — Mäurer & Wirtz v OHIM — Sacra (4711 Aqua Mirabilis)

(Case T-25/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark 4711 Aqua Mirabilis — Earlier Community word mark AQUA ADMIRABILIS — Relative ground for refusal — Likelihood of confusion — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 112/39)

Language of the case: German

Parties

Applicant: Mäurer & Wirtz GmbH & Co. KG (Stolberg, Germany) (represented by: T. Schulte-Beckhausen and S. Hühner, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Sacra Srl (Venice, Italy)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 13 November 2012 (Case R 1601/2011-2) relating to opposition proceedings between Sacra Srl and Mäurer & Wirtz GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mäurer & Wirtz GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 71, 9.3.2013.

Judgment of the General Court of 6 March 2014 — Anapurna v OHIM — Annapurna (ANNAPURNA)

(Case T-71/13) ⁽¹⁾

(Community trade mark — Revocation proceedings — Community word mark ANNAPURNA — Application for annulment filed by the intervener — Article 134(1) to (3) of the Rules of Procedure of the General Court — Genuine use of the trade mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form of use of the trade mark — Proof of use for the registered goods)

(2014/C 112/40)

Language of the case: English

Parties

Applicant: Anapurna GmbH (Berlin, Germany) (represented by: P. Ehrlinger and T. Hagen, lawyers)

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, intervening before the General Court: Annapurna SpA (Prato, Italy) (represented by: S. Vereá, K. Muraro and M. Balestriero, lawyers)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 3 December 2012 (Case R 2409/2011 5), relating to revocation proceedings between Anapurna GmbH and Annapurna SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Rejects Annapurna SpA's application for annulment;
3. Orders Anapurna GmbH to pay the costs, with the exception of those incurred by Annapurna SpA;
4. Orders Annapurna SpA to bear its own costs.

⁽¹⁾ OJ C 101, 6.4.2013.

Order of the General Court of 31 January 2014 — France v Commission

(Case T-79/09) ⁽¹⁾

(State aid — Framework system of activities carried out by agricultural inter-trade organisations recognised in France in favour of the members of the represented agricultural industries — Financing by compulsory voluntary contributions — Decision classifying the aid scheme as compatible with the common market — Withdrawal of the decision — No need to adjudicate)

(2014/C 112/41)

Language of the case: French