

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: M. Vuijst and P. Geroulakos, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Bogumił Sobieraj (Milanówek, Poland) (represented by: O. Bischof, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 8 September 2011 (Case R 553/2010-1), relating to opposition proceedings between PICO Food GmbH and Bogumił Sobieraj.

**Operative part of the judgment**

*The Court:*

- 1) Dismisses the action;
- 2) Orders Pico Food GmbH to pay the costs.

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<sup>(1)</sup> OJ C 32, 4. 2. 2012.

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**Judgment of the General Court of 9 April 2014 — Comsa v OHIM — COMSA (COMSA)**

(Case T-144/12) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark COMSA — Earlier company name Comsa, SA — Relative ground for refusal — Lack of use in the course of trade of a sign of more than mere local significance — Similarity of the services — Article 8(4) of Regulation (EC) No 207/2009)**

(2014/C 175/47)

*Language of the case:* Spanish

**Parties**

*Applicant:* Comsa, SA (Barcelona, Spain) (represented initially by M. Aznar Alonso, and subsequently by A. Gómez López, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Constructora de obras municipales, SA (COMSA) (Madrid, Spain)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 10 January 2012 (Joined cases R 518/2011-2 and R 795/2011-2) relating to opposition proceedings between Comsa, SA and Constructora de obras municipales, SA (COMSA).

**Operative part of the judgment**

*The Court:*

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 10 January 2012 (Joined cases R 518/2011-2 and R 795/2011-2) relating to opposition proceedings between Comsa, SA and Constructora de obras municipales, SA (COMSA), in so far as it annulled the decision of the Opposition Division with respect to the services in Class 42 and authorised registration of the mark applied for in relation to those same services;
2. Dismisses the action as to the remainder.
3. Orders Comsa to bear its own costs and to pay three quarters of the costs incurred by OHIM. Orders OHIM to bear one quarter of its costs.

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<sup>(1)</sup> OJ C 194, 30.6.2012.