

Judgment of the General Court of 21 May 2014 — Melt Water v OHIM (NUEVA)(Case T-61/13) ⁽¹⁾

(Community trade mark — Application for a Community figurative mark NUEVA — Article 60 of Regulation (EC) No 207/2009 — Failure to comply with the obligation to pay the appeal fee within the period prescribed — Ambiguity in a language version — Uniform interpretation — Unforeseeable circumstances or force majeure — Excusable error — Obligations of care and diligence)

(2014/C 212/35)

Language of the case: Lithuanian

Parties

Applicant: Research and Production Company 'Melt Water' UAB (Klaipėda, Lithuania) (represented by: V. Viešūnaitė and J. Stucka, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar and J. Ivanauskas, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 December 2012 (Case R 1794/2012-4) relating to an application for registration of the figurative sign NUEVA as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to bear its own costs and to pay those incurred by Research and Production Company 'Melt Water' UAB.

⁽¹⁾ OJ C 108, 13.4.2013.

Judgment of the General Court of 22 May 2014 — Walcher Meßtechnik v OHIM (HIPERDRIVE)(Case T-95/13) ⁽¹⁾

(Community trade mark — Application for Community word mark HIPERDRIVE — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2014/C 212/36)

Language of the case: German

Parties

Applicant: Walcher Meßtechnik GmbH (Kirchzarten, Germany) (represented by: S. Walter, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 13 December 2012 (Case R 1779/2012-1) concerning an application for registration of the word sign HIPERDRIVE as a Community trade mark.