

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Cables y Eslingas SA (Cerdanyola del Valles, Spain)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 October 2012 (Case R 701/2011-4) relating to opposition proceedings between Cables y Eslingas SA and Mr Grzegorz Laskiewicz.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Mr Grzegorz Laskiewicz to pay the costs.*

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<sup>(1)</sup> OJ C 108, 13 April 2013.

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**Judgment of the General Court of 16 July 2014 — Erreà Sport v OHIM — Facchinelli (ANTONIO BACIONE)**

**(Case T-36/13) <sup>(1)</sup>**

***(Community trade mark — Opposition proceedings — Application for Community figurative mark ANTONIO BACIONE — Earlier Community figurative mark erreà and earlier national figurative mark representing two overlapping lozenges — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Unfair advantage taken of the distinctive character or the repute of the earlier mark — Article 8(5) of Regulation No 207/2009)***

(2014/C 292/49)

*Language of the case: Italian*

**Parties**

*Applicant:* Erreà Sport SpA (Torrile, Italy) (represented by: D. Caneva and G. Fucci, 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:* Antonio Facchinelli (Dalang, China)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 24 October 2012 (Case R 1561/2011-1) concerning opposition proceedings between Erreà Sport SpA and Antonio Facchinelli.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Erreà Sport SpA to pay the costs.*

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<sup>(1)</sup> OJ C 79, 16.3.2013.

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**Judgment of the General Court of 16 July 2014 — Langguth Erben v OHIM (Shape of an alcoholic beverage bottle)**

(Case T-66/13) <sup>(1)</sup>

*(Community trade mark — Application for a three-dimensional Community trade mark — Shape of an alcoholic beverage bottle — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) and (2), Article 75, Article 76(1) and Article 77 of Regulation (EC) No 207/2009)*

(2014/C 292/50)

*Language of the case: German*

**Parties**

*Applicant:* Franz Wilhelm Langguth Erben GmbH & Co. KG (Traben-Trarbach, Germany) (represented by: R. Kunze and G. Würtenberger, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Marten, G. Schneider and D. Walicka, Agents)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 22 November 2012 (Case R 129/2012-1), concerning an application for registration of a three-dimensional sign comprising the shape of an alcoholic beverage bottle as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Franz Wilhelm Langguth Erben GmbH & Co. KG to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).*

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<sup>(1)</sup> OJ C 108, 13.4.2013.