

Interveners in support of the applicants: Kingdom of Denmark (represented by: initially, V. Pasternak Jørgensen and C. Thorning, and, subsequently, C. Thorning and K. Jørgensen, acting as Agents); Republic of Finland (represented by: S. Hartikainen, acting as Agent); and Kingdom of Sweden (represented by: initially, C. Meyer-Seitz, A. Falk, C. Stege, S. Johannesson, U. Persson, K. Ahlstrand-Oxhamre and H. Karlsson, and, subsequently, C. Meyer-Seitz, A. Falk, U. Persson, L. Swedenborg, C. Hagerman and E. Karlsson, acting as Agents)

Interveners in support of the defendant: Czech Republic (represented by: M. Smolek, T. Müller and D. Hadroušek, acting as Agents); and Kingdom of Spain (represented by: initially, S. Centeno Huerta, and, subsequently, J. García-Valdecasas Dorrego, abogados del Estado)

Re:

Application for annulment of the Commission's decision of 21 June 2012 refusing to allow the applicants access to two requests for information addressed by the Commission to the Federal Republic of Germany, dated 10 May and 10 October 2011, in the context of EU Pilot procedure No 2070/11/SNCO.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

(¹) OJ C 273, 8.9.2012.

Judgment of the General Court of 26 September 2014 — Koscher + Würtz v OHIM — Kirchner & Wilhelm (KW SURGICAL INSTRUMENTS)

(Case T-445/12) (¹)

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark KW SURGICAL INSTRUMENTS — Earlier national word mark Ka We — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Appeal procedure — Scope of the examination to be carried out by the Board of Appeal — Proof of genuine use of the earlier trade mark — Application submitted to the Opposition Division — Refusal to register the trade mark applied for without prior examination of the condition of genuine use of the earlier trade mark — Error of law — Power to alter decisions)

(2014/C 395/47)

Language of the case: German

Parties

Applicant: Koscher + Würtz GmbH (Spaichingen, Germany) (represented by: P. Mes, C. Graf von der Groeben, G. Rother, J. Bühling, A. Verhauwen, J. Künzel, D. Jestaedt, M Bergermann, J. Vogtmeier and A. Kramer, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Kirchner & Wilhelm GmbH + Co. (Asperg, Germany) (represented by: J. Dönch, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2012 (Case R 1675/2011-4) concerning opposition proceedings between Kirchner & Wilhelm GmbH + Co. and Koscher + Würtz GmbH.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 6 August 2012 (Case R 1675/2011-4) concerning opposition proceedings between Kirchner & Wilhelm GmbH + Co. and Koscher + Würtz GmbH;
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay half of the costs incurred by Koscher + Würtz in the proceedings before the Board of Appeal and the General Court;
4. Orders Koscher + Würtz to bear half of the costs it has incurred in the proceedings before the Board of Appeal and the General Court.

⁽¹⁾ OJ C 379, 8.12.2012.

Judgment of the General Court of 25 September 2014 — Giorgis v OHIM — Comigel (Shape of two packaged goblets)

(Case T-474/12) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Three-dimensional Community trade mark — Shape of two packaged goblets — Absolute ground for refusal — Lack of distinctive character — Lack of distinctive character acquired through use — Article 7(1)(b) and 7(3) of Regulation (EC) No 207/2009)

(2014/C 395/48)

Language of the case: English

Parties

Applicant: Giorgio Giorgis (Milan, Italy) (represented by: I. Prado and A. Tornato, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Comigel SAS (Saint-Julien-lès-Metz, France) (represented by: S. Guerlain, J. Armengaud and C. Mateu, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 July 2012 (Case R 1301/2011-1) concerning invalidity proceedings between Comigel SAS and Mr Giorgio Giorgis.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Giorgio Giorgis to pay the costs.

⁽¹⁾ OJ C 9, 12.1.2013.