

Judgment of the General Court of 25 September 2014 — CEWE Stiftung v OHIM (SMILECARD)(Case T-484/12) ⁽¹⁾**(Community trade mark — Application for Community word mark SMILECARD — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)**

(2014/C 395/49)

Language of the case: German

Parties

Applicant: CEWE Stiftung & Co. KGaA, formerly CeWe Color AG & Co. OHG (Oldenburg, Germany) (represented by: U. Sander, lawyer)

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

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 September 2012 (Case R 2279/2011-4) concerning an application for registration of the word sign SMILECARD as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders CEWE Stiftung & Co. KGaA to pay the costs.

⁽¹⁾ OJ C 26, 26.1.2013.

Judgment of the General Court of 26 September 2014 — Arnoldo Mondadori Editore v OHIM — Grazia Equity (GRAZIA)(Case T-490/12) ⁽¹⁾**(Community trade mark — Opposition proceedings — Application for Community word mark GRAZIA — Earlier national figurative mark GRAZIA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Lack of similarity between the goods — Article 8(5) of Regulation No 207/2009 — Reputation — No link between the marks at issue)**

(2014/C 395/50)

Language of the case: English

Parties

Applicant: Arnoldo Mondadori Editore SpA (Milan, Italy) (represented by: G. Dragotti, R. Valenti and S. Balice, 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, intervening between the General Court: Grazia Equity GmbH (Stuttgart, Germany) (represented by: M. Müller, lawyer)