

GENERAL COURT

Judgment of the General Court of 21 October 2014 — Szajner v OHIM — Forge de Laguiole (LAGUIOLE)

(Case T-453/11) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark LAGUIOLE — Earlier French company name Forge de Laguiole — Article 53(1)(c) and Article 8(4) of Regulation (EC) No 207/2009)

(2014/C 431/31)

Language of the case: French

Parties

Applicant: Gilbert Szajner (Niort, France) (represented by: A. Lakits-Josse, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Forge de Laguiole SARL (Laguiole, France) (represented by: F. Fajgenbaum, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 1 June 2011 (Case R 181/2007-1) concerning invalidity proceedings between Forge de Laguiole SARL and Mr Gilbert Szajner.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 1 June 2011 (Case R 181/2007-1) in so far as it declares the Community word mark LAGUIOLE invalid in respect of goods other than 'hand tools and implements (hand operated); spoons; saws, razors, razor blades; shaving cases; nail files and nail nippers, nail-clippers; manicure sets' in Class 8, 'paper-cutters' in Class 16, 'corkscrews; bottle-openers' and 'shaving brushes, fitted vanity cases' in Class 21 and 'cigar cutters' and 'pipe cleaners' in Class 34;*
2. *Dismisses the action as to the remainder;*
3. *Orders Forge de Laguiole SARL to bear one quarter of the costs incurred by the applicant and three-quarters of its own costs;*
4. *Orders Mr Gilbert Szajner to bear one quarter of the costs incurred by Forge de Laguiole, one quarter of the costs incurred by OHIM and three-quarters of his own costs;*
5. *Orders OHIM to bear three-quarters of its own costs.*

⁽¹⁾ OJ C 298, 8.10.2011.