

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Hebei Aulion Heavy Industries Co., Ltd. (Zhangjiakou, China) (represented by: A. Alejos Cutuli, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 19 July 2011 (Case R 1870/2010-1), concerning opposition proceedings between Volvo Trademark Holding AB and Hebei Aulion Heavy Industries Co., Ltd.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action.*
2. *Orders Volvo Trademark Holding AB to pay the costs.*

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<sup>(1)</sup> OJ C 355, 3.12.2011.

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**Judgment of the General Court of 12 November 2014 — Volvo Trademark v OHIM — Hebei Aulion Heavy Industries (LOVOL)**

(Case T-525/11) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community figurative mark LOVOL — Earlier Community word and figurative marks and earlier national figurative marks VOLVO — Relative ground for refusal — Unfair advantage taken of the distinctive character or the repute of the earlier trade mark — Article 8(5) of Regulation (EC) No 207/2009)**

(2014/C 462/32)

*Language of the case: English*

**Parties**

*Applicant:* Volvo Trademark Holding AB (Gothenburg, Sweden) (represented by: M. Treis, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Hebei Aulion Heavy Industries Co., Ltd. (Zhangjiakou, China) (represented by: A. Alejos Cutuli, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 June 2011 (Case R 1868/2010-1), concerning opposition proceedings between Volvo Trademark Holding AB and Hebei Aulion Heavy Industries Co., Ltd.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action.*

2. Orders Volvo Trademark Holding AB to pay the costs.

<sup>(1)</sup> OJ C 355, 3.12.2011.

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**Judgment of the General Court of 12 November 2014 — Murnauer Markenvertrieb v OHIM  
(NOTFALL CREME)**

(Case T-504/12) <sup>(1)</sup>

*(Community trade mark — Application for Community figurative trade mark NOTFALL CREME — Absolute grounds for refusal — Descriptive character — Lack of distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Equal treatment)*

(2014/C 462/33)

Language of the case: German

**Parties**

*Applicant:* Murnauer Markenvertrieb GmbH (Egelsbach, Germany) (represented by: F. Traub and H. Daniel, lawyers)

*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 Fourth Board of Appeal of OHIM of 20 September 2012 (Case R 271/2012-4) concerning an application for registration of the figurative sign NOTFALL CREME as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Murnauer Markenvertrieb GmbH to pay its own costs and those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs).

<sup>(1)</sup> OJ C 26, 26.1.2013.

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**Judgment of the General Court of 7 November 2014 — Kaatsu Japan v OHIM (KAATSU)**

(Case T-567/12) <sup>(1)</sup>

*(Community trade mark — Application for Community word mark KAATSU — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Rights of the defence — Article 75, second sentence, of Regulation No 207/2009)*

(2014/C 462/34)

Language of the case: English

**Parties**

*Applicant:* Kaatsu Japan Co. Ltd (Tokyo, Japan) (represented by: M. Edenborough QC)

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

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 9 October 2012 (Case R 435/2012-2), relating to an application for registration of the word sign KAATSU as a Community trade mark.