

Judgment of the General Court of 18 November 2014 — Think Schuhwerk v OHIM — Müller (VOODOO)

(Case T-50/13) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark VODOO — Absolute grounds for refusal — Lack of descriptive character — Distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009 — Bad faith — Article 52(1)(b) of Regulation No 207/2009)

(2015/C 007/34)

Language of the case: German

Parties

Applicant: Think Schuhwerk GmbH (Kopfing, Austria) (represented by: M. Gail, lawyer)

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 before the General Court: Andreas Müller (Ulm, Germany) (represented by: J. Pick, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 November 2012 (Case R 474/2012 4) concerning invalidity proceedings between Think Schuhwerk GmbH and Mr Andreas Müller

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Think Schuhwerk GmbH to pay the costs.*

⁽¹⁾ OJ C 86, 23.3.2013.

Judgment of the General Court of 19 November 2014 — Evonik Oil Additives v OHIM — BRB International (VISCOTECH)

(Case T-138/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark VISCOTECH — Earlier national and international trade marks VISCOPLEX — Evidence of the territorial extent and validity of an earlier international trade mark — Rule 19(2) and Rule 20(1) of Regulation (EC) 2868/95 — Relative grounds of refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 007/35)

Language of the case: Dutch

Parties

Applicant: Evonik Oil Additives GmbH (Darmstadt, Germany) (represented by: J. Albrecht, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: BRB International BV (Ittervoort, Netherlands)