

GENERAL COURT

Judgment of the General Court of 5 May 2015 — Spa Monopole v OHIM — Orly International (SPARITUAL)

(Case T-131/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for registration of the word mark SPARITUAL — Earlier Benelux figurative and word marks SPA and LES THERMES DE SPA — Relative ground for refusal — Article 8(5) of Regulation (EC) No 207/2009)

(2015/C 205/34)

Language of the case: English

Parties

Applicant: Spa Monopole compagnie fermière de Spa SA/NV (Spa, Belgium) (represented by: L. De Brouwer, E. Cornu and É. De Gryse, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Orly International, Inc. (Van Nuys, California, United States) (represented by: P. Kremer and J. Rotsch, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM dated 9 January 2012 (Case R 2396/2010-1), relating to opposition proceedings between Spa Monopole, compagnie fermière de Spa SA/NV and Orly International Inc.

Operative part of the judgment

The Court:

1. Annuls the decision of 9 January 2012 (Case R 2396/2010-1) of the First Board Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
2. Orders OHIM and Orly International, Inc. to each bear their costs and to pay the costs of Spa Monopole, compagnie fermière de Spa SA/NV.

⁽¹⁾ OJ C 165, 9.6.2012.

Judgment of the General Court of 5 May 2015 — Skype v OHIM — Sky and Sky IP International (skype)

(Case T-423/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark skype — Earlier Community word mark SKY — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 205/35)

Language of the case: English

Parties

Applicant: Skype Ultd (Dublin, Ireland) (represented: initially by I. Fowler, Solicitor, J. Schmitt, lawyer, and J. Mellor QC, and subsequently by A. Carboni and M. Browne, Solicitors)