

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Clinique Laboratories, LLC (Wilmington, Delaware, United States) (represented by: initially V. von Bomhard, lawyer, and K. Hughes, Solicitor, and subsequently K. Hughes)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 29 April 2013 (Case R 606/2012-5), relating to opposition proceedings between Clinique Laboratories, LLC and Harper Hygienics S.A.

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Harper Hygienics S.A. to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Clinique Laboratories, LLC.*

⁽¹⁾ OJ C 274, 21.9.2013.

Judgment of the General Court of 19 May 2015 — Granette & Starorežná Distilleries v OHIM — Bacardi (42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol.)

(Case T-607/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark 42 VODKA JEMNÁ VODKA VYRÁBĚNÁ JEDINEČNOU TECHNOLOGIÍ 42 % vol — Earlier international figurative mark 42 BELOW — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 213/53)

Language of the case: Czech

Parties

Applicant: Granette & Starorežná Distilleries a.s. (Ústí nad Labem, Czech Republic) (represented by: T. Chleboun, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially by D. Gája and P. Geroulakos, subsequently by M. Geroulakos and M. Šimandlova, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Bacardi C. Ltd (Vaduz, Liechtenstein) (represented by: M. Reinisch, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 16 September 2013 (Case R 1605/2012-2) relating to opposition proceedings between Bacardi Co. Ltd and Granette & Starorežná Distilleries a.s.

Operative part of the judgment

The Court:

1. *Dismisses the appeal;*

2. Orders Granette & Starorežná Distilleries .a.s to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Bacardi Co. Ltd.

⁽¹⁾ OJ C 45, 15.2.2014.

Judgment of the General Court of 13 May 2015 — easyGroup IP Licensing v OHIM — Tui (easyAir-tours)

(Case T-608/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark easyAir-tours — Earlier national figurative mark airtours Ticket Factory — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — No similarity between the signs — No likelihood of confusion — Power to alter decisions — Article 65(3) of Regulation No 207/2009)

(2015/C 213/54)

Language of the case: English

Parties

Applicant: easyGroup IP Licensing Ltd (London, United Kingdom) (represented by: J. Day and K. Osgerby, Solicitors)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Tui AG (Hanover, Germany) (represented by: D. von Schultz, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 September 2013 (Case R 1029/2012-1), relating to opposition proceedings between Tui AG and easyGroup IP Licensing Ltd.

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 5 September 2013 (Case R 1029/2012-1);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by easyGroup IP Licensing Ltd;
4. Orders Tui AG to bear its own costs.

⁽¹⁾ OJ C 24, 25.1.2014.