

Judgment of the General Court of 4 June 2015 — Deluxe Laboratories v OHIM (deluxe)(Case T-222/14) ⁽¹⁾

(Community trade mark — Application for figurative Community mark deluxe — Absolute grounds for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 207/2009 — Lack of descriptiveness — Article 7(1)(c) of Regulation No 207/2009 — Lack of distinctiveness acquired through use — Article 7(3) of Regulation No 207/2009 — Duty to state reasons — Article 75 of Regulation No 207/2009)

(2015/C 236/53)

Language of the case: Spanish

Parties

Applicant: Deluxe Laboratories, Inc. (Burbank, California, United States) (represented by: S. Serrat Viñas, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 22 January 2014 (Case R 1250/2013-2) concerning an application for registration of the figurative sign deluxe as a Community trade mark.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 22 January 2014 (Case R 1250/2013-2);*
2. *Orders OHIM to pay the costs.*

⁽¹⁾ OJ C 175, 10.6.2014.

Judgment of the General Court of 3 June 2015 — Lithomex v OHIM — Glaubrecht Stingel (LITHOFIX)(Case T-273/14) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark LITHOFIX — Earlier national and international word marks LITHOFIN — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Similarity of goods — No obligation for an examination to be carried out in relation to all the goods covered by the earlier mark — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2015/C 236/54)

Language of the case: English

Parties

Applicant: Lithomex ApS (Langeskov, Denmark) (represented by: L. Ullmann, lawyer)