

Judgment of the General Court of 24 September 2015 — Klement v OHIM — Bullerjan (Form of an oven)

(Case T-317/14) ⁽¹⁾

(Community trade mark — Revocation proceedings — Three-dimensional Community mark — Form of an oven — Genuine use of a mark — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Nature of use of the mark — Form differing in elements which do not alter the distinctive character)

(2015/C 389/53)

Language of the case: German

Parties

Applicant: Toni Klement (Dippoldiswalde, Germany) (represented by: J. Weiser and A. Grohmann, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially D. Walicka, then A. Poch, D. Botis and A. Schiffko, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Bullerjan GmbH (Isernhagen-Kirchhorst, Germany)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 27 February 2014 (Case R 1656/2013-1), relating to revocation proceedings between Mr Toni Klement and Bullerjan GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Toni Klement to pay the costs.

⁽¹⁾ OJ C 261, 11.8.2014.

Judgment of the General Court of 25 September 2015 — August Storck v OHIM — (2good)

(Case T-366/14) ⁽¹⁾

(Community trade mark — Application for Community word mark 2good — Mark consisting of an advertising slogan — Absolute ground for refusal — No distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2015/C 389/54)

Language of the case: English

Parties

Applicant: August Storck KG (Berlin, Germany) (represented by: I. Rohr, A. C. Richter, P. Goldenbaum and T. Melchert, lawyers)

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