

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

The other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Nutrichem Diät + Pharma GmbH (Roth, Germany) (represented by: D. Jochim and R. Egerer, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 29 January 2014 (case R 764/2013-4), relating to invalidity proceedings between Atlantic Multipower Germany GmbH & Co. OHG and Nutrichem Diät + Pharma GmbH.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Atlantic Multipower Germany GmbH & Co. OHG to pay the costs.*

⁽¹⁾ OJ C 142, 12.5.2014.

Judgment of the General Court of 7 October 2015 — Sonova Holding v OHIM (Flex)

(Case T-187/14) ⁽¹⁾

(Community trade mark — Community word mark FLEX — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) and Article 7(2) of Regulation (EC) No 207/2009)

(2015/C 398/58)

Language of the case: English

Parties

Applicant: Sonova Holding AG (Stäfa, Switzerland) (represented by: C. Hawkes, Solicitor)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 12 December 2013 (Case R 357/2013-2), relating to an application for registration of the word sign FLEX as a community trade mark.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Sonova Holding AG to pay the costs.*

⁽¹⁾ OJ C 151, 19.5.2014.

Judgment of the General Court of 7 October 2015 — CBM v OHIM — Aeronautica Militare (Trecolore)

(Case T-227/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Trecolore — Earlier Community and national word and figurative marks FRECCE TRICOLORI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 398/59)

Language of the case: English

Parties

Applicant: CBM Creative Brands Marken GmbH (Zurich, Switzerland) (represented by: U. Lüken, M. Grundmann and N. Kerger, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Aeronautica Militare — Stato Maggiore (Rome, Italy)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 29 January 2014 (Case R 253/2013-1), relating to opposition proceedings between Aeronautica Militare — Stato Maggiore and CBM Creative Brands Marken GmbH.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders CBM Creative Brands Marken GmbH to pay the costs.*

⁽¹⁾ OJ C 245, 28.7.2014.