

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

(Case T-228/14) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community figurative 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 398/60)

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 594/2013-1), 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.

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<sup>(1)</sup> OJ C 245, 28.7.2014.

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**Judgment of the General Court of 7 October 2015 — The Smiley Company v OHIM (Shape of a face with horns)**

(Case T-242/14) <sup>(1)</sup>

**(Community trade mark — Application for a three-dimensional Community trade mark — Shape of a face with horns — Absolute ground for refusal — Distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2015/C 398/61)

Language of the case: English

**Parties**

*Applicant:* The Smiley Company SPRL (Brussels, Belgium) (represented by: A. Freitag and C. Albrecht, lawyers)

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