

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Menelaus BV 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 Messrs Vicente Garcia Mahiques and Felipe Garcia Mahiques.

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<sup>(1)</sup> OJ C 260, 7.9.2013.

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**Judgment of the General Court of 12 November 2015 — CEDC International v OHIM — Fabryka Wódek Polmos Łańcut (WISENT)**

(Case T-449/13) <sup>(1)</sup>

*(Community trade mark — Invalidity proceedings — Community figurative mark WISENT — Earlier national three-dimensional mark ŻUBRÓWKA — Relative grounds for refusal — Similarity of the marks — Articles 53(1)(a) and 8(1)(b) and 8(5) of Regulation (EC) No 207/2009)*

(2016/C 007/27)

Language of the case: English

**Parties**

*Applicant:* CEDC International sp. z o.o. (Oborniki Wielkopolskie, Poland) (represented by: M. Siciarek, J. Mrozowski and G. Rząsa, lawyers)

*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, intervening before the General Court:* Fabryka Wódek Polmos Łańcut SA (Łańcut, Poland) (represented by: A. Gorzkiewicz, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 10 June 2013 (Case R 33/2012-4), relating to invalidity proceedings between Przedsiębiorstwo Polmos Białystok and Fabryka Wódek Polmos Łańcut SA.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 10 June 2013 (Case R 33/2012-4);
2. Orders OHIM and Fabryka Wódek Polmos Łańcut SA to bear their own costs and to pay those of CEDC International sp. z o.o.

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<sup>(1)</sup> OJ C 304, 19.10.2013.