

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

(Case T-450/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark WISENT VODKA — Earlier national three-dimensional mark ŻUBRÓWKA — Relative grounds for refusal — Similarity of the marks — Article 8(1)(b) and 8(5) of Regulation (EC) No 207/2009)

(2016/C 007/28)

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 1734/2011-4), relating to opposition 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 1734/2011-4);
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.

⁽¹⁾ OJ C 304, 19.10.2013.

Judgment of the General Court of 18 November 2015 — Government of Malaysia v OHIM — Vergamini (HALAL MALAYSIA)

(Case T-508/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark HALAL MALAYSIA — Earlier unregistered figurative mark HALAL MALAYSIA — Relative ground for refusal — Absence of rights to the earlier sign having been acquired in accordance with the law of the Member State before the date of application for registration of the Community trade mark — Article 8(4) of Regulation (EC) No 207/2009 — Use of the earlier mark as a label — Common-law action for passing off — Lack of goodwill)

(2016/C 007/29)

Language of the case: English

Parties

Applicant: Government of Malaysia (represented by: initially R. Volterra, Solicitor, R. Miller, Barrister, V. von Bomhard and T. Heitmann, lawyers, then R. Volterra, R. Miller and V. von Bomhard)