

Judgment of the General Court of 22 May 2012 — Olive Line International v OHIM — Umbria Olii International (O-LIVE)

(Case T-273/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for figurative Community trade mark O-LIVE — Earlier Community and Spanish figurative and word marks Olive line — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 200/24)

Language of the case: English

Parties

Applicant: Olive Line International, SL (Madrid, Spain) (represented by: P. Koch Moreno, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Umbria Olii International Srl (Rome, Italy) (represented by: E. Montelione, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 14 April 2010 (Case R 4/2009-4), relating to opposition proceedings between Olive Line International, SL and O. International Srl.

Operative part of the judgment

The Court:

1. Declares that the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (trade marks and designs) (OHIM) of 14 April 2010 (Case R 4/2009-4) is annulled in so far as it concerns, first, all the goods covered by the trade mark application in Class 3, namely 'bleaching preparations and other substances for laundry use, cleaning, polishing, scouring and abrasive preparations, soaps, perfumery, essential oils, cosmetics, hair lotions, dentifrices', and, second, 'hygiene and beauty care for humans and animals' in Class 44 covered by the trade mark application;
2. Dismisses the action as to the remainder;
3. Orders OHIM and Umbria Olii International Srl to bear three quarters of their own costs and to each pay three eighths of the costs incurred by Olive Line International, SL;
4. Orders Olive Line International, SL to pay, in addition to one quarter of its own costs, one quarter of the costs incurred by OHIM and the intervener.

⁽¹⁾ OJ C 221, 14.8.2010.

Judgment of the General Court of 22 May 2012 — Nordmilch v OHIM — Lactimilk (MILRAM)

(Case T-546/10) ⁽¹⁾

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

(2012/C 200/25)

Language of the case: German

Parties

Applicant: Nordmilch AG (Bremen, Germany) (represented by: R. Schneider, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Lactimilk, SA (Madrid, Spain) (represented by: P. Casamitjana Lleont, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 September 2010 (Joined Cases R 1041/2009-4 and R 1053/2009-4) relating to opposition proceedings between Lactimilk SA and Nordmilch AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Nordmilch AG to pay the costs.

⁽¹⁾ OJ C 30, 29.1.2011.

Judgment of the General Court of 24 May 2012 — JBF RAK v Council

(Case T-555/10) ⁽¹⁾

(Subsidies — Imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates — Definitive countervailing duty and definite collection of provisional duty — Articles 11(8), 15(1) and 30(5) of Regulation (EC) No 597/2009 — Principle of sound administration)

(2012/C 200/26)

Language of the case: English

Parties

Applicant: JBF RAK LLC (Ras Al Khaimah, United Arab Emirates) (represented by: B. Servais, lawyer)

Defendant: Council of the European Union (represented by: B. Driessen, Agent, G. Berrisch, lawyer, and N. Chesaites, Barrister)

Intervener in support of the defendant: European Commission (represented by: H. van Vliet, M. França and G. Luengo, Agents)

Re:

Application for annulment of Council Implementing Regulation (EU) No 857/2010 of 27 September 2010 imposing a definitive countervailing duty and collecting definitely the provisional duty imposed on imports of certain polyethylene terephthalate originating in Iran, Pakistan and the United Arab Emirates (OJ 2010 L 254, p. 10).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders JBF RAK LLC to bear its own costs and to pay those incurred by the Council of the European Union;
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 30, 29.1.2011.

Judgment of the General Court of 22 May 2012 — Environmental Manufacturing v OHIM — Wolf (Representation of the head of a wolf)

(Case T-570/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for a Community figurative mark representing a wolf's head — Earlier national and international figurative marks WOLF Jardin and Outils WOLF — Relative grounds for refusal — Detriment to the distinctive character or repute of the earlier mark — Article 8(5) of Regulation (EC) No 207/2009)

(2012/C 200/27)

Language of the case: English

Parties

Applicant: Environmental Manufacturing LLP (Stowmarket, United Kingdom) (represented by: S. Malynicz, Barrister, and M. Atkins, Solicitor)

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, intervener before the General Court: Société Elmar Wolf (Wissembourg, France) (represented by: N. Boespflug, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 6 October 2010 (Case R 425/2010-2), concerning opposition proceedings between Société Elmar Wolf and Environmental Manufacturing LLP.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Environmental Manufacturing LLP to pay the costs.

⁽¹⁾ OJ C 63, 26.2.2011.

Judgment of the General Court of 22 May 2012 — Aitic Penteo v OHIM — Atos Worldline (PENTEO)

(Case T-585/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark PENTEO — Earlier Benelux and international word marks XENTEO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Articles 75 and 76 of Regulation No 207/2009)

(2012/C 200/28)

Language of the case: English

Parties

Applicant: Aitic Penteo, SA (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Atos Worldline SA (Brussels, Belgium)

Re:

ACTION brought against the decision of the First Chamber of Appeal of OHIM of 23 September 2010 (Case R 774/2010-1) relating to opposition proceedings between Atos Worldline SA and Aitic Penteo, SA.