

**Judgment of the General Court of 2 October 2013 —
Cartoon Network v OHIM — Boomerang TV
(BOOMERANG)**

(Case T-285/12) ⁽¹⁾

*(Community trade mark — Opposition proceedings —
Application for the Community word mark BOOMERANG
— Earlier Community figurative mark BoomerangTV —
Relative ground for refusal — Likelihood of confusion —
Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2013/C 344/97)

Language of the case: English

Parties

Applicant: The Cartoon Network, Inc. (Wilmington, United States) (represented by: I. Starr, Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Boomerang TV, SA (Madrid, Spain) (represented by: A. Canela Giménez, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 2 April 2012 (Case R 699/2011-2) concerning opposition proceedings between Boomerang TV, SA and The Cartoon Network, Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders The Cartoon Network, Inc. to pay the costs.

⁽¹⁾ OJ C 273, 8.9.2012.

**Order of the General Court of 1 October 2013 —
Evropaïki Dynamiki v Commission**

(Case T-554/11) ⁽¹⁾

(Action for annulment — Financing by the European Union of certain projects in Tunisia, in the framework of the EuropeAid programme — Development of an integrated IT system for the Tunisian judiciary — Recovery by the Commission of debts payable to Tunisia by a third party — Debit note — Acts inseparable from the contract — Act not open to challenge — Inadmissible)

(2013/C 344/98)

Language of the case: English

Parties

Applicant: Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE (Athens, Greece) (represented by: N. Korogiannakis, M. Dermitzakis, and N. Theologou, lawyers)

Defendant: European Commission (represented by: A. Bordes and S. Bartelt, acting as Agents)

Re:

Application for annulment of the Commission's decision refusing to settle sums allegedly payable and requiring repayment of the sum of EUR 281 270,00 paid in the framework of the implementation of the contract EuropeAid/124378/D/SER/TN (No 2007/145-464), communicated to the applicant by letter dated 8 August 2011 (C&F/2011/D/001101), and also of debit note 3241108036, received by the applicant on 17 August 2011, and of all the Commission's related decisions

Operative part of the order

1. The action is dismissed as inadmissible.
2. Evropaïki Dynamiki — Proigmena Systimata Tilepikoinonion Pliroforikis kai Tilematikis AE, in addition to bearing its own costs, shall pay the costs incurred by the European Commission.

⁽¹⁾ OJ C 370, 17.12.2011.

**Order of the General Court of 16 September 2013 —
Microsoft v OHIM — Sky IP International (SKYDRIVE)**

(Case T-153/12) ⁽¹⁾

(Community trade mark — Withdrawal of the application for registration — No need to adjudicate)

(2013/C 344/99)

Language of the case: English

Parties

Applicant: Microsoft Corp. (Redmond, Washington, United States) (represented by: A. Carboni and J. Colbourn, Solicitors)

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

Other party to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Sky IP International Ltd (Isleworth, United Kingdom) (represented by: V. Baxter and D. Rose, Solicitors, and P. Roberts, Barrister)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 19 January 2012 (case R 2293/2010-1), relating to opposition proceedings between Sky IP International Ltd and Microsoft Corp.

Operative part of the order

1. There is no need to adjudicate on the action.