

GENERAL COURT

Judgment of the General Court of 24 January 2012 — Indo Internacional v OHIM — Visual (VISUAL MAP)(Case T-260/08) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark VISUAL MAP — Earlier national word mark VISUAL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009))

(2012/C 65/21)

Language of the case: English

Parties

Applicant: Indo Internacional, SA (Sant Cugat del Vallès, Spain) (represented: initially by X. Fàbrega Sabaté and M. Curell Aguilà, and subsequently by M. Curell Aguilà and J. Güell Serra, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Pohlmann and R. Manea, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Visual SA (Saint-Apollinaire, France)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 15 April 2008 (Case R 700/2007-1), concerning opposition proceedings between Visual SA and Indo Internacional, SA.

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Indo Internacional, SA to pay the costs.

⁽¹⁾ OJ C 223, 30.8.2008.

Judgment of the General Court of 19 January 2012 — Xeda International and Pace International v Commission(Case T-71/10) ⁽¹⁾

(Plant protection products — Active substance diphenylamine — Non-inclusion in Annex I to Directive 91/414/EEC — Withdrawal of authorisations of plant protection products containing that substance — Action for annulment — Locus standi — Admissibility — Proportionality — Article 6(1) of Directive 91/414 — Rights of the defence — Article 3(2) of Regulation (EC) No 1095/2007)

(2012/C 65/22)

Language of the case: English

Parties

Applicants: Xeda International SA (Saint-Andiol (France) and Pace International LLC (Seattle, Washington, United States) (rep-

resented by: C. Mereu, K. Van Maldegem, lawyers, and P. Sellar, Solicitor)

Defendant: European Commission (represented by: D. Bianchi and L. Parpala, Agents, and assisted by J. Stuyck, lawyer)

Re:

Annulment of Commission Decision 2009/859/EC of 30 November 2009 concerning the non-inclusion of diphenylamine in Annex I to Council Directive 91/414/EEC and the withdrawal of authorisations for plant protection products containing that substance (OJ 2009 L 314, p. 79).

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Xeda International SA and Pace International LLC to bear their own costs and to pay those of the European Commission, including the costs relating to the proceedings for interim measures.

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 25 January 2012 — Viaguara v OHIM(Case T-332/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark 'VIAGUARA' — Earlier Community word mark VIAGRA — Unfair advantage taken of the distinctive character or the repute of the earlier trade mark — Article 8(5) of Regulation (EC) No 207/2009)

(2012/C 65/23)

Language of the case: Polish

Parties

Applicant: Viaguara S.A. (Warsaw, Poland) (represented by: R. Skubisz, M. Mazurek and J. Dudzik, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Pfizer Inc. (New York, New York, United States) (represented by: initially M. Hawkins, Solicitor, V. von Bomhard and A. Renck, lawyers, then V. von Bomhard and M. Fowler, Solicitor)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 20 May 2010 (Case R 946/2009-1) relating to opposition proceedings between Pfizer Inc. and Viaguara S.A.