

**Judgment of the General Court of 10 June 2010 — Atlas Transport v OHIM — Hartmann (ATLAS TRANSPORT)**

(Case T-482/08) <sup>(1)</sup>

*(Community trade mark — Revocation proceedings — Community word mark ATLAS TRANSPORT — Genuine use of the trade mark — Articles 15 and 50(1) of Regulation No 40/94 (now Articles 15 and 51(1) of Regulation No 207/2009))*

(2010/C 209/51)

Language of the case: German

**Parties**

*Applicant:* Atlas Transport GmbH (Düsseldorf, Germany) (represented by: U. Hildebrandt, K. Schmidt-Hern and B. Weichhaus, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider and S. Schäffner, acting as Agents)

*Other party to the proceedings before the Board of Appeal of OHIM:* Alfred Hartmann (Leer, Germany) (represented by C. Drews, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 9 September 2008 (Case R 1858/2007-4) relating to revocation proceedings between Alfred Hartmann and Atlas Transport GmbH.

**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 9 September 2008 in Case R 1858/2007-4;
2. Orders OHIM to bear its own costs as well as those incurred by Atlas Transport GmbH;
3. Orders Alfred Hartmann to bear his own costs.

<sup>(1)</sup> OJ C 32, 7.2.2009.

**Judgment of the General Court of 16 June 2010 — Kureha Corp v OHIM — Sanofi-Aventis (KREMEZIN)**

(Case T-487/08) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community word mark KREMEZIN — Earlier international word mark KRENOSIN — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Similarity of the goods — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009) — Proof of existence of the earlier trade mark — Time-limits — Rules 19 and 20 of Regulation (EC) No 2868/95 — Proof of genuine use of the earlier mark — Article 43(2) and (3) of Regulation No 40/94 (now Article 42(2) and (3) of Regulation No 207/2009))*

(2010/C 209/52)

Language of the case: English

**Parties**

*Applicant:* Kureha Corp. (Tokyo, Japan) (represented by: W. von der Osten-Sacken and O. Sude, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, Agent)

*Other party to the proceedings before the Board of Appeal of OHIM:* Sanofi-Aventis SA (Paris, France) (represented by: R. Gilbey, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 September 2008 (Case R 1631/2007-4), concerning opposition proceedings between Sanofi-Aventis SA and Kureha Corp.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Kureha Corp. to pay its own costs and those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM);
3. Orders Sanofi-Aventis SA to bear its own costs.

<sup>(1)</sup> OJ C 19, 24.1.2009.