

Judgment of the General Court of 14 July 2011 — Winzer Pharma v OHIM — Alcon (OFTAL CUSI)

(Case T-160/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark OFTAL CUSI — Earlier Community word mark Ophthal — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 40/94 (now Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 269/102)

Language of the case: Spanish

Parties

Applicant: Dr Robert Winzer Pharma GmbH (Berlin, Germany) (represented by: S. Schneller, lawyer)

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: Alcon Inc. (Hünenberg, Switzerland) (represented by: M. Vidal-Quadras Trias de Bes, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 4 February 2009 (Case R 1471/2007-1) concerning opposition proceedings between Dr Robert Winzer Pharma GmbH and Alcon Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dr Robert Winzer Pharma GmbH to bear its own costs and those of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and of Alcon Inc.

⁽¹⁾ OJ C 167 of 18.7.2009.

Judgment of the General Court of 15 July 2011 — Ergo Versicherungsgruppe v OHIM — Société de développement et de recherche industrielle (ERGO)

(Case T-220/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark ERGO — Earlier Community word mark URGO — 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)

(2011/C 269/103)

Language of the case: German

Parties

Applicant: Ergo Versicherungsgruppe AG (Düsseldorf, Germany) (represented by: V. von Bomhard, A.W. Renck, T. Dolde and J. Pause, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Société de développement et de recherche industrielle (Chenôve, France) (represented by: K. Dröge, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 March 2009 (Case R 515/2008-4) relating to opposition proceedings between Société de développement et de recherche industrielle and Ergo Versicherungsgruppe AG.

Operative part of the judgment

The Court:

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

⁽¹⁾ OJ C 180, 1.8.2009.

Judgment of the General Court of 15 July 2011 — Ergo Versicherungsgruppe v OHIM — Société de développement et de recherche industrielle (ERGO Group)

(Case T-221/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark ERGO Group — Earlier Community word mark URGO — 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)

(2011/C 269/104)

Language of the case: German

Parties

Applicant: Ergo Versicherungsgruppe AG (Düsseldorf, Germany) (represented by: V. von Bomhard, A.W. Renck, T. Dolde and J. Pause, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Société de développement et de recherche industrielle (Chenôve, France) (represented by: K. Dröge, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 March 2009 (Case R 520/2008-4) relating to opposition proceedings between Société de développement et de recherche industrielle and Ergo Versicherungsgruppe AG.