

**Judgment of the General Court of 13 July 2012 — Caixa Geral de Depósitos v OHIM — Caixa d'Estalvis i Pensions de Barcelona ('la Caixa')**

(Case T-255/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Application for Community figurative mark la caixa — Earlier Portuguese word mark CAIXA — Earlier national word and figurative marks — 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)*

(2012/C 258/25)

Language of the case: Spanish

**Parties**

*Applicant:* Caixa Geral de Depósitos, SA (Lisbon, Portugal) (represented by: F. Porcuna de la Rosa and M. Lobato García-Miján, 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, intervener before the General Court:* Caixa d'Estalvis i Pensions de Barcelona (Barcelona, Spain) (represented by: E. Manresa Medina and J. Manresa Medina, lawyers)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 24 March 2009 (Case R 556/2008-2), relating to opposition proceedings between Caixa d'Estalvis i Pensions de Barcelona and Caixa Geral de Depósitos, SA.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 24 March 2009 (Case R 556/2008-2) as regards the goods covered by the mark applied for in Class 16;
2. Dismisses the action as to the remainder;
3. Orders Caixa Geral de Depósitos, SA to bear two thirds of its own costs and to pay two thirds of the costs incurred by OHIM and two thirds of the costs incurred by Caixa d'Estalvis i Pensions de Barcelona.
4. Orders OHIM to bear one third of its own costs and to pay one third of the costs incurred by Caixa Geral de Depósitos and one third of the costs incurred by Caixa d'Estalvis i Pensions de Barcelona.

<sup>(1)</sup> OJ C 193, 15.8.2009.

**Judgment of the General Court of 12 July 2012 — Aiello v OHIM — Cantoni ITC (100 % Capri)**

(Case T-279/09) <sup>(1)</sup>

*(Community trade mark — Opposition proceedings — Notification of the opposing party's pleading before the Board of Appeal — Rules 50(1), 20(2) and 67(1) of Regulation (EC) No 2868/95 — Rights of the defence)*

(2012/C 258/26)

Language of the case: Italian

**Parties**

*Applicant:* Antonino Aiello (Vico Equense, Italy) (represented by: M. Coccia and L. Pardo, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Cantoni ITC SpA (Milan, Italy)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 2 April 2009 (Case R 1148/2008-1), relating to opposition proceedings between Cantoni ITC SpA and Antonino Aiello.

**Operative part of the judgment**

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 2 April 2009 (Case R 1148/2008-1);
2. Orders OHIM to pay the costs.

<sup>(1)</sup> OJ C 220, 12.9.2009.

**Judgment of the General Court of 12 July 2012 — Winzer Pharma v OHIM — Alcon (BAÑOFTAL)**

(Case T-346/09) <sup>(1)</sup>

*(Community trade marks — Opposition proceedings — Application for Community trade mark BAÑOFTAL — Earlier national word marks KAN-OPHTAL and PAN-OPHTAL — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2012/C 258/27)

Language of the case: Spanish

**Parties**

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