

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Giulio Gambettola (Los Realejos, Spain) (represented by: F. Brandolini Kujman, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 7 May 2009 (Case R 632/2008-1), relating to invalidity proceedings between Carrols Corp. and Mr Giulio Gambettola.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Carrols Corp. to pay the costs.

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

**Judgment of the General Court of 1 February 2012 — mtronix v OHIM — Growth Finance (mtronix)**

(Case T-353/09) (<sup>1</sup>)

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

(2012/C 73/52)

Language of the case: German

**Parties**

*Applicant:* mtronix OHG (Berlin, Germany) (represented by: M. Schnetzer, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Growth Finance AG (Zug, Switzerland)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 23 June 2009 (Case R 1557/2007-4) concerning opposition proceedings between Growth Finance AG and mtronix OHG.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders mtronix OHG to pay the costs.

(<sup>1</sup>) OJ C 282, 21.11.2009.

**Judgment of the General Court of 31 January 2012 — Spar v OHIM — Spa Group Europe (SPA GROUP)**

(Case T-378/09) (<sup>1</sup>)

*(Community trade mark — Opposition procedure — Application for Community word mark SPA GROUP — Earlier national figurative marks SPAR — Relative ground for refusal — No likelihood of confusion — No similarity between the signs — Article 8(1)(b) of Regulation No 207/2009)*

(2012/C 73/53)

Language of the case: German

**Parties**

*Applicant:* Spar Handelsgesellschaft mbH (Schenefeld, Germany) (represented by: R. Kaase and J.-C. Plate, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* Spa Group Europe Ltd & Co. KG (Nuremberg, Germany)

**Re:**

Action for annulment of the decision of the First Board of Appeal of OHIM of 16 July 2009 (Case R 123/2008-1) in relation to opposition proceedings between Spar Handelsgesellschaft mbH and Spa Group Europe Ltd & Co. KG.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Spar Handelsgesellschaft mbH to pay the costs.

(<sup>1</sup>) OJ C 282, 21.11.2009.

**Judgment of the General Court of 31 January 2012 — Cervecería Modelo v OHIM — Plataforma Continental (LA VICTORIA DE MEXICO)**

(Case T-205/10) (<sup>1</sup>)

*(Community trade mark — Opposition procedure — Application for Community word mark LA VICTORIA DE MEXICO — Earlier Community figurative mark containing the word element 'victoria' and earlier national word mark VICTORIA — Registration refused in part — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2012/C 73/54)

Language of the case: Spanish

**Parties**

*Applicant:* Cervecería Modelo, SA de CV (Mexico, Mexico) (represented by: C. Lema Devesa, lawyer)