

Judgment of the General Court of 7 June 2012 — Mada Pharma v OHIM — Nycomed (ALLERNIL)

(Joined Cases T-492/09 and T-147/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — International registration designating the European Community — Word mark ALLERNIL — Application for Community word mark ALLERNIL — Earlier national word mark ALLERGODIL — Relative ground of refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Grounds — Article 75 of Regulation No 207/2009)

(2012/C 217/36)

Language of the case: German

Parties

Applicant: Mada Pharma GmbH & Co. KG (Bad Homburg von der Höhe, Germany) (represented by: G. Würtenberger and R. Kunze, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: B. Schmidt, then by D. Walicka and, finally by G. Schneider, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Nycomed GmbH (Constance, Germany) (represented initially by: A. Ferchland, then by A. Ferchland and K. Trautmann, lawyers)

Re:

Two actions brought against two decisions of the Fourth Board of Appeal of OHIM of 29 September 2009 (Cases R 1386/2007-4 and R 697/2007-4), relating to opposition proceedings between Meda Pharma GmbH & Co. KG and Nycomed GmbH.

Operative part of the judgment

The Court:

1. Dismisses the actions.
2. Orders Meda Pharma GmbH & Co. KG to pay the costs incurred in Joined Cases T-492/09 and T-147/10.

⁽¹⁾ OJ C 37, 13.2.2010.

Judgment of the General Court of 13 June 2012 — Insula v Commission

(Case T-110/10) ⁽¹⁾

(Arbitration clause — Financing contract for research and development projects — El Hierro contract — Lack of supporting documents and non-compliance with the contractual requirements in respect of the declared expenses — Reimbursement of sums advanced — Counterclaim by the Commission)

(2012/C 217/37)

Language of the case: French

Parties

Applicant: Conseil scientifique international pour le développement des îles (Insula) (Paris, France) (represented by: J.-D. Simonet and P. Marsal, lawyers)

Defendant: European Commission (represented initially by A. M. Rouchaud-Joët and F. Mirza, and subsequently by A.-M. Rouchaud-Joët and D. Calciu, Agents, and by L. Defalque and S. Woog, lawyers)

Re:

Application, submitted on the basis of Article 272 TFEU, seeking a declaration, first, that the Commission's request for reimbursement of the sum of EUR 84 120 is unfounded and, second, that the Commission be ordered to issue a 'credit note' in the amount of EUR 84 120.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Conseil scientifique international pour le développement des îles (Insula) to pay the European Commission the principal sum of EUR 84 120, increased by default interest at the rate of 2,5 % per annum, from 26 January 2010 until full payment of that principal sum;
3. Dismisses the remainder of the Commission's counterclaim;
4. Orders Insula to bear its own costs and to pay those incurred by the Commission.

⁽¹⁾ OJ C 134, 22.5.2010.

Judgment of the General Court of 14 June 2012 — Seven Towns Ltd v OHIM (Representation of seven squares of different colours)

(Case T-293/10) ⁽¹⁾

(Community trade mark — Application for Community mark representing seven squares of different colours — Sign of which a Community trade mark may consist — Article 4 of Regulation (EC) No 207/2009)

(2012/C 217/38)

Language of the case: English

Parties

Applicant: Seven Towns Ltd (London, United Kingdom) (represented by: E. Schäfer, lawyer,)