

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: Comercio Electrónico Ojal, SL (Madrid)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 5 March 2009 (Case R 462/2008-2) relating to opposition proceedings between Amen Corner, SA and Comercio Electrónico Ojal, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Amen Corner, SA to pay the costs.

(¹) OJ C 167, 18.7.2009.

Judgment of the General Court of 16 December 2010 — Deutsche Steinzeug Cremer & Breuer v OHIM (CHROMA)

(Case T-281/09) (¹)

(Community trade mark — Application for the Community word mark CHROMA — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2011/C 46/22)

Language of the case: German

Parties

Applicant: Deutsche Steinzeug Cremer & Breuer AG (Frechen, Germany) (represented by: J. Albrecht, lawyer)

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

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 8 May 2009 (Case R 1429/2008-4), relating to an application for registration as a Community trade mark of the word sign CHROMA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Deutsche Steinzeug Cremer & Breuer AG to pay the costs.

(¹) OJ C 244, 10.10.2009.

Judgment of the General Court of 16 December 2010 — Longevity Health Products v OHIM — Gruppo Lepetit (RESVEROL)

(Case T-363/09) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark RESVEROL — Earlier international word mark LESTEROL — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 46/23)

Language of the case: English

Parties

Applicant: Longevity Health Products, Inc. (Nassau, Bahamas) (represented by: J. Korab, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Gruppo Lepetit SpA (Lainate, Italy)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 9 July 2009 (Case R 1204/2008-2) relating to opposition proceedings between Gruppo Lepetit SpA and Longevity Health Products, Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Longevity Health Products, Inc., to pay the costs.

(¹) OJ C 267, 7.11.2009.

Judgment of the General Court of 16 December 2010 — LG Electronics v OHIM (KOMPRESSOR PLUS)

(Case T-497/09) (¹)

(Community trade mark — Application for Community word mark KOMPRESSOR PLUS — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2011/C 46/24)

Language of the case: French

Parties

Applicant: LG Electronics, Inc. (Seoul, South Korea) (represented by: J. Blanchard, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 23 September 2009 (Case R 397/2009-1), relating to an application for registration as a Community trade mark of the word sign KOMPRESSOR PLUS.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders LG Electronics, Inc. to pay the costs.

(¹) OJ C 37, 13.2.2010.

Judgment of the General Court of 16 December 2010 — Baena Grupo v OHIM — Neuman and Galdeano del Sel (Seated figure)

(Case T-513/09) (¹)

(Community design — Invalidity proceedings — Registered Community design representing a seated figure — Earlier Community figurative mark — Ground for invalidity — Individual character — Different overall impression — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002)

(2011/C 46/25)

Language of the case: Spanish

Parties

Applicant: José Manuel Baena Grupo, SA (Santa Perpètua de Mogoda, Spain) (represented by: A. Canela Giménez, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo and A. Folliard-Monguiral, Agents)

Other parties to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Herbert Neuman (Tarifa, Spain) and Andoni Galdeano del Sel (Spain)

Re:

Action brought against the decision of the Third Board of Appeal of OHIM of 14 October 2009 (Case R 1323/2008-3), relating to invalidity proceedings between Herbert Neuman and Andoni Galdeano del Sel, on the one hand, and José Manuel Baena Grupo, SA, on the other.

Operative part of the judgment

The Court:

1. Annuls the decision of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 14 October 2009 (Case R 1323/2008-3);

2. Orders OHIM to bear its own costs and to pay those incurred by José Manuel Baena Grupo, SA., and orders Herbert Neuman and Andoni Galdeano del Sel to bear their own costs.

(¹) OJ C 51, 27.2.2010.

Order of the General Court of 2 December 2010 — Apostolov v Commission

(Case T-73/10 P) (¹)

(Appeal — Staff cases — Recruitment — Competition — Rejection of application — Delay — Different overall impression — Appeal in part clearly inadmissible and in part clearly unfounded)

(2011/C 46/26)

Language of the case: English

Parties

Appellant: Svetoslav Apostolov (Saarwellingen, Germany) (represented by: D. Schneider-Addae-Mensah, lawyer)

Other party to the proceedings: European Commission (represented by: J. Currall and B. Eggers, acting as Agents)

Re:

Appeal brought against the order of the European Union Civil Service Tribunal (First Chamber) of 15 December 2009 in Case F-8/09 *Apostolov v Commission* ECR-SC I A-1-0000 and II-A-1-0000, seeking, inter alia, to have that order set aside

Operative part of the order

1. The appeal is dismissed.
2. Mr Svetoslav Apostolov shall bear his own costs and shall pay those incurred by the European Commission in the present proceedings.

(¹) OJ C 100, 17.4.2010.

Action brought on 29 November 2010 — Natura Selection v OHIM — Afoi Anezoulaki (natur)

(Case T-549/10)

(2011/C 46/27)

Language in which the application was lodged: English

Parties

Applicant: Natura Selection, SL (Barcelona, Spain) (represented by: E. Sagrañes Coca, lawyer)