

Judgment of the General Court of 14 April 2011 — TTNB v OHIM — March Juan (Tila March)

(Case T-433/09) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Tila March — Earlier national figurative mark CARMEN MARCH — Relative ground of refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 160/31)

Language of the case: French

Parties

Applicant: TTNB (Paris, France) (represented initially by J.-M. Moiroux, then J.-M. Moiroux and C. Beudard, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Carmen March Juan (Madrid, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 August 2009 (Case R 1538/2008-2), relating to opposition proceedings between Carmen March Juan and TTNB.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders TTNB to pay the costs.

⁽¹⁾ OJ C 312, 19.12.2009.

Judgment of the General Court of 13 April 2011 — Smart Technologies v OHIM (WIR MACHEN DAS BESONDERE EINFACH)

(Case T-523/09) ⁽¹⁾

(Community trade mark — Application for Community word mark WIR MACHEN DAS BESONDERE EINFACH — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2011/C 160/32)

Language of the case: English

Parties

Applicant: Smart Technologies ULC (Calgary, Canada) (represented by: M. Edenborough, QC, T. Elias, Barrister, and R. Harrison, Solicitor)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 September 2009 (Case R 554/2009-2), concerning an application for the word sign WIR MACHEN DAS BESONDERE EINFACH as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Smart Technologies ULC to pay the costs.

⁽¹⁾ OJ C 51, 27.2.2010.

Judgment of the General Court of 12 April 2011 — Euro-Information v OHIM (EURO AUTOMATIC PAYMENT)

(Case T-28/10) ⁽¹⁾

(Community trade mark — Application for Community word mark EURO AUTOMATIC PAYMENT — Absolute ground for refusal — Descriptive nature — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2011/C 160/33)

Language of the case: French

Parties

Applicant: Euro-Information — Européenne de traitement de l'information (Strasbourg, France) (represented by: A. Grolée, 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 Second Board of Appeal of OHIM of 11 November 2009 (Case R 635/2009-2) regarding an application for registration of the word sign EURO AUTOMATIC PAYMENT as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Euro-Information — Européenne de traitement de l'information to pay the costs.

⁽¹⁾ OJ C 80, 27.3.2010.