

Judgment of the General Court of 11 May 2011 — Flaco Geräte v OHIM — Delgado Sánchez (FLACO)

(Case T-74/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark FLACO — Earlier national word mark FLACO — Relative ground for refusal — Identical goods — Article 8(1)(a) and (b) of Regulation (EC) No 207/2009 — Request for proof of genuine use of the earlier mark submitted for the first time before the Board of Appeal — Article 42(2) and (3) of Regulation No 207/2009 and Rule 22 of Regulation (EC) No 2868/95)

(2011/C 186/46)

Language of the case: English

Parties

Applicant: Flaco Geräte GmbH (Gütersloh, Germany) (represented by: M. Wirtz, lawyer)

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: Jesús Delgado Sánchez (Socuellamos, Spain)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 23 November 2009 (Case R 86/2009-2) concerning opposition proceedings between Mr Jesús Delgado Sánchez and Flaco Geräte GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Flaco-Geräte GmbH to pay the costs.

⁽¹⁾ OJ C 100, 17.4.2010.

Judgment of the General Court of 10 May 2011 — Emram v OHIM — Guccio Gucci (G)

(Case T-187/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark G — Earlier national and Community figurative marks G — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2011/C 186/47)

Language of the case: French

Parties

Applicant: Maurice Emram (Marseilles, France) (represented by: M. Benavi, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Guccio Gucci SpA (Florence, Italy) (represented by: F. Jacobacci, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 February 2010 (Case R 1281/2008-1), concerning opposition proceedings between Guccio Gucci SpA and Mr Maurice Emram

Operative part of the judgment

The Court:

1. dismisses the action;
2. orders Mr Maurice Emram to pay the costs.

⁽¹⁾ OJ C 179, 3.7.2010.