

Judgment of the General Court of 8 May 2012 — Tsakiris-Mallas v OHIM — Seven (7 Seven Fashion Shoes)

(Case T-244/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark 7 Seven Fashion Shoes — Earlier national figurative marks Seven and 7seven — Partial refusal to register — Relative grounds for refusal — Likelihood of confusion — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 184/16)

Language of the case: English

Parties

Applicant: Tsakiris-Mallas AE (Athens, Greece) (represented by: N. Simantiras, lawyer)

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, intervener before the General Court: Seven SpA (Leini, Italy) (represented by D. Sindico, lawyer)

Re:

ACTION brought against the decision of the Second Board of Appeal of OHIM of 22 March 2012 (R 1045/2009-2) relating to opposition proceedings between Seven SpA and Tsakiris-Mallas AE.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Tsakiris-Mallas AE to pay the costs.

⁽¹⁾ OJ C 221, 14.8.2010.

Judgment of the General Court (Fourth Chamber) of 8 May 2012 — Yoshida Metal Industry v OHIM — Pi-Design and Others (Representation of a triangular surface with black dots)

(Case T-331/10) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Figurative Community trade mark representing a surface with black dots — Shape of goods which is necessary to obtain a technical result — Article 7(1)(e)(ii) of Regulation (EC) No 207/2009)

(2012/C 184/17)

Language of the case: English

Parties

Applicant: Yoshida Metal Industry Co. Ltd (Tsubame-shi, Japan) (represented by: S. Vere, K. Muraro and M. Balestrieri, lawyers)

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

Other parties to the proceedings before the Board of Appeal of OHIM: Pi-Design AG (Triengen, Switzerland), Bodum France (Neuilly-sur-Seine, France) and Bodum Logistics A/S (Billund, Denmark) (represented by H. Pernez, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 20 May 2010 (Case R 1235/2008-1), relating to invalidity proceedings between Pi-Design AG, Bodum France and Bodum Logistics A/S, on the one hand, and Yoshida Metal Industry Co. Ltd, on the other hand

Operative part of the judgment

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 20 May 2010 (Case R 1235/2008-1);
2. Orders OHIM to bear its own costs and to pay the costs of Yoshida Metal Industry Co. Ltd;
3. Orders Pi-Design AG, Bodum France and Bodum Logistics A/S to bear their own respective costs.

⁽¹⁾ OJ C 274, 9.10.2010.