

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

Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Siam Grains Co. Ltd (Bangkok, Thailand) (represented by: C. Thomas-Raquin, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 19 March 2009 (Case R 513/2008-1) relating to opposition proceedings between Tilda Riceland Private Ltd and Siam Grains Co. Ltd.

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 19 March 2009 (Case R 513/2008-1);*
2. *Orders OHIM to bear its own costs and to pay two thirds of the costs incurred by Tilda Riceland Private Ltd;*
3. *Orders Siam Grains Co. Ltd to bear its own costs and to pay one third of the costs incurred by Tilda Riceland Private Ltd.*

⁽¹⁾ OJ C 244, 10.10.2009.

Judgment of the General Court of 17 January 2012 — Kitzinger v OHIM — Mitteldeutscher Rundfunk and Zweites Deutsches Fernsehen (KICO)

(Case T-249/10) ⁽¹⁾

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

(2012/C 58/13)

Language of the case: German

Parties

Applicant: Kitzinger & Co. (GmbH & Co. KG) (Hamburg, Germany) (represented by: S. Kitzinger, lawyer)

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

Other parties to the proceedings before the Board of Appeal of OHIM, interveners before the General Court: Mitteldeutscher Rundfunk (Leipzig, Germany) and Zweites Deutsches Fernsehen (Mainz, Germany) (represented by: B. Krause and F. Cordt, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 25 March 2010 (Case R 1388/2008-4), relating to opposition proceedings between, on the one hand, Mitteldeutscher Rundfunk and Zweites Deutsches Fernsehen and, on the other hand, Kitzinger & Co. (GmbH & Co. KG)

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Kitzinger & Co. (GmbH & Co. KG) to pay the costs.*

⁽¹⁾ OJ C 209, 31.7.2010.

Judgment of the General Court of 17 January 2012 — Hamberger Industrierwerke v OHIM (Atrium)

(Case T-513/10) ⁽¹⁾

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

(2012/C 58/14)

Language of the case: German

Parties

Applicant: Hamberger Industrierwerke GmbH (Stephanskirchen, Germany) (represented by: T. Schmidpeter, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially S. Schäffner and R. Manea and subsequently G. Schneider, acting as Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 August 2010 (Case R 291/2010-4), concerning an application for registration of the word mark Atrium as a Community trade mark

Operative part of the judgment

The Court:

1. *dismisses the action;*
2. *orders Hamberger Industrierwerke GmbH to pay the costs.*

⁽¹⁾ OJ C 13, 15.1.2011.