

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 1 September 2009 (Case R 1706/2008-1) concerning opposition proceedings between McDonald's International Property Co. Ltd and Comercial Losan, SLU.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Comercial Losan, SLU to pay the costs.

(¹) OJ C 24, 30.1.2010.

Judgment of the General Court of 5 July 2012 — Deutscher Ring v OHIM (Deutscher Ring Sachversicherungs-AG)

(Case T-209/10) (¹)

(Community trade mark — Application for Community word mark Deutscher Ring Sachversicherungs-AG — Absolute grounds for refusal — Descriptive character — Distinctive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2012/C 243/31)

Language of the case: German

Parties

Applicant: Deutscher Ring Sachversicherungs-AG (Hamburg, Germany) (represented by: E. Busse, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, agent)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 March 2010 (Case R 1290/2009-1) concerning an application for registration of the word mark Deutscher Ring Sachversicherungs-AG as a Community trade mark.

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 11 March 2010 (Case R 1290/2009-1);
2. Orders OHIM to pay the costs.

(¹) OJ C 179, 3.7.2010.

Order of the General Court of 28 June 2012 — Constellation Brands v OHIM (COOK'S)

(Case T-314/10) (¹)

(Community trade mark — Word mark COOK'S — Failure to apply for renewal of the mark — Cancellation of the mark upon expiry of the registration — Application for restitutio in integrum — Article 81 of Regulation (EC) No 207/2009)

(2012/C 243/32)

Language of the case: English

Parties

Applicant: Constellation Brands, Inc. (Fairport, United States of America) (represented by: B. Brandreth, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: D. Botis and V. Melgar, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 29 April 2010 (Case R 1048/2009-1) in so far as it dismissed the application for restitutio in integrum

Operative part of the order

1. Dismisses the action.
2. Orders Constellation Brands, Inc., to pay the costs.

(¹) OJ C 260, 25.9.2010.

Judgment of the General Court of 27 June 2012 — Interkobo v OHIM — XXXLutz Marken (my baby)

(Case T-523/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark my baby — Earlier national and international word marks MYBABY and earlier national figurative mark mybaby — Relative ground for refusal — Failure to produce evidence in the language of the opposition proceedings — Legitimate expectation — Rules 19(3), 20(1) and 98(1) of Regulation (EC) No 2868/95)

(2012/C 243/33)

Language of the case: German

Parties

Applicant: Interkobo sp. z o.o. (Łódź (Poland)) (represented by: R. Skubisz and K. Ziemiński, lawyers)

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