

Judgment of the General Court of 12 July 2012 — Leifheit v OHIM — Vermop Salmon (Twist System)

(Case T-334/10) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark Twist System — Earlier Community word marks TWIX and TWIXTER — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2012/C 258/30)

Language of the case: German

Parties

Applicant: Leifheit AG (Nassau, Germany) (represented by: G. Hasselblatt and V. Töbelmann, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Vermop Salmon GmbH (Gilching, Germany) (represented by: W. von der Osten-Sacken, O. Sude and M. Ring, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 12 May 2010 (Joined Cases R 924/2009-1 and R 1013/2009-1), relating to invalidity proceedings between Vermop Salmon GmbH and Leifheit AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Leifheit AG to pay the costs.

⁽¹⁾ OJ C 288, 23.10.2010.

Judgment of the General Court of 12 July 2012 — Pharmazeutische Fabrik Evers v OHIM — Ozone Laboratories Pharma (HYPOCHOL)

(Case T-517/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark HYPOCHOL — Earlier national figurative mark HITRECHOL — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 258/31)

Language of the case: English

Parties

Applicant: Pharmazeutische Fabrik Evers GmbH & Co. KG (Pinnberg, Germany) (represented by: R. Kaase and R. Möller, 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: Ozone Laboratories Pharma SA (București, Romania)

Re:

ACTION brought against the decision of the Fourth Board of Appeal of OHIM of 1 September 2010 (Case R 1332/2009-4), concerning opposition proceedings between Pharmazeutische Fabrik Evers GmbH & Co. KG and Ozone Laboratories Pharma SA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Pharmazeutische Fabrik Evers GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 13, 15.1.2011.

Judgment of the General Court of 12 July 2012 — Vermop Salmon v OHIM — Leifheit (Clean Twist)

(Case T-61/11) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark Clean Twist — Earlier Community word marks TWIX and TWIXSTER — Relative ground of refusal — No likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)

(2012/C 258/32)

Language of the case: German

Parties

Applicant: Vermop Salmon GmbH (Gilching, Germany) (represented by: W. von der Osten-Sacken, M. Ring and O. Sude, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Leifheit AG (Nassau, Germany) (represented by: G. Hasselblatt and V. Töbelmann, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 19 November 2010 (Case R 671/2010-1), relating to invalidity proceedings between Vermop Salmon GmbH and Leifheit AG.