

**Operative part of the judgment**

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 28 April 2010 (Case R 1020/2008-4) in so far as the assessment of the Board of Appeal as to the similarity of the signs in question is incorrect;
2. Dismisses the remainder of the action;
3. Orders OHIM to pay the costs.

(<sup>1</sup>) OJ C 234, 28.8.2010.

**Judgment of the General Court of 16 November 2011 — Chabou v OHIM — Chalou (CHABOU)**

(Case T-323/10) (<sup>1</sup>)

**(Community trade mark — Opposition proceedings — Application for the Community word mark CHABOU — Earlier national and international word marks Chalou — Refusal to register — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 12(a) of Regulation (EC) No 207/2009)**

(2012/C 6/23)

Language of the case: German

**Parties**

**Applicant:** Chickmouza Chabou (Rheine, Germany) (represented by: K.-J. Triebold, lawyer)

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

**Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:** Chalou GmbH (Herschweiler-Pettersheim, Germany) (represented by: T. Träger, lawyer)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 20 May 2010 (Case R 1165/2009-1), relating to opposition proceedings between Chalou GmbH and Chickmouza Chabou

**Operative part of the judgment**

The Court:

1. dismisses the action;
2. orders Mr Chickmouza Chabou to pay the costs.

(<sup>1</sup>) OJ C 288, 23.10.2010.

**Judgment of the General Court of 15 November 2011 — Abbot Laboratories v OHIM (RESTORE)**

(Case T-363/10) (<sup>1</sup>)

**(Community trade mark — Application for the Community word mark RESTORE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 207/2009 — Infringement of the right to be heard — Obligation to state the reasons on which the decision is based — Article 75 of Regulation No 207/2009)**

(2012/C 6/24)

Language of the case: German

**Parties**

**Applicant:** Abbott Laboratories (Abbot Park, Illinois, United States) (represented by: M. Kinkeldey, S. Schäffler and J. Springer, lawyers)

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

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 9 June 2010 (Case R 1560/2009-1), concerning an application for registration of the word mark RESTORE as a Community trade mark.

**Operative part of the judgment**

The Court:

1. Dismisses the application;
2. Orders Abbott Laboratories to pay the costs.

(<sup>1</sup>) OJ C 288, 23.10.2010

**Judgment of the General Court of 15 November 2011 — Hrbek v OHIM — Outdoor Group (ALPINE PRO SPORTSWEAR & EQUIPMENT)**

(Case T-434/10) (<sup>1</sup>)

**(Community trade mark — Opposition proceedings — Application for the Community figurative mark ALPINE PRO SPORTSWEAR & EQUIPMENT — Earlier Community figurative mark ‘alpine’ — Misuse of power — Article 65(2) of Regulation (EC) No 207/2009 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009)**

(2012/C 6/25)

Language of the case: English

**Parties**

**Applicant:** Václav Hrbek (Augustinova, Czech Republic) (represented by: C. Jäger, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* The Outdoor Group Ltd (Northampton, United Kingdom) (represented by: S. Malynicz, Barrister)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 8 July 2010 (Case R 1441/2009-2) concerning opposition proceedings between The Outdoor Group Ltd and Mr Václav Hrbek.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr Václav Hrbek to pay the costs.

(<sup>1</sup>) OJ C 328, 4.12.2010.

**Judgment of the General Court of 16 November 2011 — Dorma v OHIM — Puertas Doorsa (doorsa FÁBRICA DE PUERTAS AUTOMÁTICAS)**

(Case T-500/10) (<sup>1</sup>)

*(Community trade mark — Opposition proceedings — Application for Community figurative mark ‘doorsa FÁBRICA DE PUERTAS AUTOMÁTICAS’ — Earlier national and international word and figurative marks ‘DORMA’ — Lodging of additional documents on the reputation of the earlier marks in the procedure before the Board of Appeal — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)*

(2012/C 6/26)

*Language of the case: English*

**Parties**

*Applicant:* Dorma GmbH & Co. KG (Ennepetal, Germany) (represented by: P. Koch Moreno, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: J. Crespo Carrillo, acting as Agent)

*Other party to the proceedings before the Board of Appeal of OHIM:* Puertas Doorsa, SL (Petrel, Spain)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 17 August 2010 (Case R 542/2009-4),

relating to opposition proceedings between Dorma GmbH & Co. KG and Puertas Doorsa, SL.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Dorma GmbH & Co. KG to pay the costs.

(<sup>1</sup>) OJ C 346, 18.12.2010.

**Judgment of the General Court of 15 November 2011 — Nolin v Commission**

(Case T-58/11) (<sup>1</sup>)

*(Appeal — Civil service — Officials — Promotion — Withdrawal of merit points and priority points following a promotion on the basis of Article 29 of the Staff Regulations — Legal basis — Competence of the author of the act — Principle of non-discrimination)*

(2012/C 6/27)

*Language of the case: French*

**Parties**

*Appellant:* Michel Nolin (Brussels, Belgium) (represented by: S. Orlandi, A. Coolen, J.-N. Louis and É. Marchal, lawyers)

*Other party to the proceedings:* European Commission (represented by: J. Baquero Cruz, acting as Agent, and D. Waelbroeck, lawyer)

**Re:**

Appeal brought against the judgment of the Civil Service Tribunal (Third Chamber) of 1 December 2010, delivered in Case F-82/09 *Nolin v Commission*, not yet published in the ECR, seeking the setting aside of that judgment.

**Operative part of the judgment**

*The Court:*

1. Dismisses the appeal;
2. Orders Mr Michel Nolin to bear his own costs and to pay those incurred by the European Commission in the appeal.

(<sup>1</sup>) OJ C 89, 19.3.2011.