

## GENERAL COURT

**Judgment of the General Court of 21 May 2015 — Yoshida Metal Industry v OHIM — Pi-Design and Others (Community figurative trade marks representing a surface with black dots)**

**(Joined Cases T-331/10 RENV and T-416/10 RENV) <sup>(1)</sup>**

**(Community trade mark — Invalidity proceedings — Community figurative trade marks representing a surface with black dots — Absolute ground for refusal — Sign consisting exclusively of the shape of the goods which is necessary to obtain a technical result — Article 7(1)(e)(ii) of Regulation (EC) No 207/2009)**

(2015/C 221/07)

Language of the case: English

### Parties

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

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

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

### Re:

Action brought against the decision of the First Board of Appeal of OHIM of 20 May 2010 (Cases R 1235/2008-1 and R 1237/2008-1), concerning 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.

### Operative part of the judgment

*The Court:*

1. Dismisses the actions;
2. Orders Yoshida Metal Industry Co. Ltd to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and by Pi-Design AG, Bodum France and Bodum Logistics A/S before the General Court and before the Court of Justice.

<sup>(1)</sup> OJ C 274, 9.10.2010.

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**Judgment of the General Court of 20 May 2015 — Timab Industries and CFPR v Commission**

**(Case T-456/10) <sup>(1)</sup>**

**(Competition — Agreements, decisions and concerted practices — European market for animal feed phosphates — Decision finding an infringement of Article 101 TFEU — Allocation of sales quotas, coordination of prices and conditions of sale and exchange of commercially sensitive information — Applicant's withdrawal from the settlement procedure — Fines — Obligation to state reasons — Gravity and duration of the infringement — Cooperation — Failure to apply the likely range of fines indicated during the settlement procedure)**

(2015/C 221/08)

Language of the case: French

### Parties

*Applicants:* Timab Industries (Dinard, France); and Cie financière et de participations Roullier (CFPR) (Saint-Malo, France) (represented by: N. Lenoir and M. Truffier, lawyers)

*Defendant:* European Commission (represented by: C. Giolito, B. Mongin and F. Ronkes Agerbeek, acting as Agents)

**Re:**

Application for annulment of Commission Decision C(2010) 5001 final of 20 July 2010 relating to a proceeding under Article 101 [TFEU] and Article 53 of the EEA Agreement (Case COMP/38866 — Animal feed phosphates), and, in the alternative, for reduction of the fine imposed on the applicants in that decision.

**Operative part of the judgment**

*The Court:*

- 1) *Dismisses the action;*
- 2) *Orders Timab Industries and Cie financière et de participations Roullier (CFPR) to pay the costs.*

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

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**Judgment of the General Court of 20 May 2015 — Yuanping Changyuan Chemicals v Council  
(Case T-310/12) <sup>(1)</sup>**

***(Dumping — Imports of oxalic acid originating in India and China — Definitive anti-dumping duty — Community industry — Determination of injury — Article 9(4), Article 14(1) and Article 20(1) and (2) of Regulation (EC) No 1225/2009 — Obligation to state reasons — Right to make representations — Article 20(5) of Regulation (EC) No 1225/2009)***

(2015/C 221/09)

*Language of the case: English*

**Parties**

*Applicant:* Yuanping Changyuan Chemicals Co. Ltd (Yuan Ping City, Xin Zhou, China) (represented by: V. Akritidis, lawyer)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, Agent, and initially by N. Chesaites, Barrister, and G. Berrisch, lawyer, and subsequently by D. Geradin, lawyer)

*Intervener in support of the defendant:* European Commission (represented by: M. França and A. Stobiecka-Kuik, Agents)

**Re:**

Application for annulment of Council Implementing Regulation (EU) No 325/2012 of 12 April 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of oxalic acid originating in India and the People's Republic of China (OJ 2012 L 106, p. 1).

**Operative part of the judgment**

*The Court:*

- 1) *Annuls Council Implementing Regulation (EU) No 325/2012 of 12 April 2012 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of oxalic acid originating in India and the People's Republic of China in so far as it concerns Yuanping Changyuan Chemicals Co. Ltd;*