

**Judgment of the General Court of 30 November 2011 —
Hartmann v OHIM (Complete)**

(Case T-123/10) ⁽¹⁾

(Community trade mark — Application for Community word mark ‘Complete’ — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Statement of reasons — Goods forming a homogenous group — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2012/C 25/93)

Language of the case: German

Parties

Applicant: Paul Hartmann AG (Heidenheim an der Brenz, Germany) (represented by N. Aicher, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: B. Schmidt and later by: R. Manea and R. Pethke, Agents)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 January 2010 (Case R 601/2009-4) concerning an application to register the word mark ‘Complete’ as a Community trade mark.

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) (OHIM) of 20 January 2010 (Case R 601/2009-4);
2. Orders OHIM to bear its own costs and to pay the costs incurred by Paul Hartmann AG, including the indispensable costs incurred by the latter in the procedure before the Appeals Chamber.

⁽¹⁾ OJ C 134, 22.5.2010.

Judgment of the General Court of 7 December 2011 — El Corte Inglés v OHIM — Azzedine Alaïa (ALIA)

(Case T-152/10) ⁽¹⁾

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

(2012/C 25/94)

Language of the case: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: J.L. Rivas Zurdo, M.E. López Camba and E. Seijo Veiguela, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Azzedine Alaïa (Paris, France) (represented by: M. Holah, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 February 2010 (Case R 924/2008-4), relating to opposition proceedings between Mr Azzedine Alaïa and El Corte Inglés, SA.

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) (OHIM) of 3 February 2010 (Case R 924/2008-4) in so far as the Board of Appeal excluded the goods in Class 3 corresponding to the description ‘Perfumery, essential oils, cosmetics, hair lotions; dentifrices’ from its analysis of the likelihood of confusion between the marks at issue.
2. Dismisses the action as to the remainder.
3. Orders El Corte Inglés, SA, OHIM and Mr Azzedine Alaïa each to bear their own costs.

⁽¹⁾ OJ C 148, 5.6.2010.

Judgment of the General Court of 30 November 2011 SE — Blusen Stenau v OHIM (Sport Eybl & Sports Experts (SE© SPORTS EQUIPMENT))

(Case T-477/10) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for Community figurative mark SE© SPORTS EQUIPMENT — Prior national word mark SE So Easy — Relative grounds for refusal — Similarity of the signs — Article 8(1)(b) of Regulation No 207/2009)

(2012/C 25/95)

Language of the case: German

Parties

Applicant: SE — Blusen Stenau GmbH (Gronau, Germany) (represented by: O. Bischof, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Sport Eybl & Sports Experts GmbH (Wels, Austria) (represented by: M. Pachinger and S. Fürst., lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 22 July 2010 (Case R 139372009-1) concerning an opposition procedure between SE — Blusen Stenau GmbH and Sport Eybl & Sports Experts GmbH.

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 22 July 2010 (Case R 139372009-1);
2. Orders OHIM to bear its own costs and pay the costs incurred by SE — Blusen Stenau GmbH;
3. Orders Sport Eybl & Sports Experts GmbH to bear its own costs.

(¹) OJ C 346, 18.12.2010.

Judgment of the General Court of 7 December 2011 — HTTS v Council

(Case T-562/10) (¹)

(Common foreign and security policy — Restrictive measures against Iran with the aim of preventing nuclear proliferation — Freezing of funds — Actions for annulment — Obligation to state the reasons on which the decision is based — Procedure by default — Application to intervene — No need to adjudicate)

(2012/C 25/96)

Language of the case: German

Parties

Applicant: HTTS (Hamburg, Germany) (represented by: J. Kienzle and M. Schlingmann, lawyers)

Defendant: Council of the European Union (represented by: M. Bishop and Z. Kupčová, Agents)

Re:

Partial annulment of Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 (OJ 2010 L 281, p. 1), in so far as the applicant's name was included on the list of persons, entities and bodies whose funds and economic resources are to be frozen.

Operative part of the judgment

The Court:

1. Decides that there is no longer any need to adjudicate on the applications to intervene submitted by the European Commission and the Federal Republic of Germany;
2. Annuls Council Regulation (EU) No 961/2010 of 25 October 2010 on restrictive measures against Iran and repealing Regulation (EC) No 423/2007 in so far as it concerns HTTS Hanseatic Trade Trust & Shipping GmbH;

3. Maintains the effects of Regulation No 961/2010 in so far as it concerns the applicant for a period of no more than two months from the date of delivery of this judgment;

4. Orders the Council of the European Union to bear its own costs and to pay the costs incurred by HTTS Hanseatic Trade Trust & Shipping.

(¹) OJ C 46, 12.2.2011.

Judgment of the General Court of 8 December 2011 — Aktieselskabet af 21. november 2001 v OHIM — Parfums Givenchy (only givenchy)

(Case T-586/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark 'only givenchy' — Earlier Community and national word marks ONLY — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Reputation — Article 8(5) of Regulation No 207/2009)

(2012/C 25/97)

Language of the case: English

Parties

Applicant: Aktieselskabet af 21. november 2001 (Brande, Denmark) (represented by: C. Barrett Christiansen, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Parfums Givenchy SA (Levallois-Perret, France)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 7 October 2010 (Case R 1556/2009-2) concerning opposition proceedings between Aktieselskabet af 21. november 2001 and Parfums Givenchy SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Aktieselskabet af 21. november 2001 to pay the costs.

(¹) OJ C 80, 12.3.2011.