

Judgment of the General Court of 13 June 2012 — Organismos Kypriakis Galaktokomikis Viomichanias v OHIM — Garmo (HELLIM)

(Case T-534/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark HELLIM — Earlier Community collective word mark HALLOUMI — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Right to be heard — Article 63(2) of Regulation No 207/2009)

(2012/C 217/41)

Language of the case: German

Parties

Applicant: Organismos Kypriakis Galaktokomikis Viomichanias (Nicosia, Cyprus) (represented initially by: C. Milbradt and H. Van Volxem, and subsequently by C. Milbradt and A. Schwarz, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Garmo AG (Stuttgart, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 September 2010 (Case R 794/2010-4), concerning opposition proceedings between Organismos Kypriakis Galaktokomikis Viomichanias and Garmo AG.

Operative part of the judgment

The General Court:

1. Dismisses the action;
2. Orders Organismos Kypriakis Galaktokomikis Viomichanias to pay the costs.

⁽¹⁾ OJ C 30, 29.1.2011.

Judgment of the General Court of 13 June 2012 — Organismos Kypriakis Galaktokomikis Viomichanias v OHIM — Garmo (GAZI Hellim)

(Case T-535/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark GAZI Hellim — Prior collective Community word mark HALLOUMI — Relative ground for refusal — Similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 217/42)

Language of the case: German

Parties

Applicant: Organismos Kypriakis Galaktokomikis Viomichanias

(Nicosia, Cyprus) (represented initially by: C. Milbradt and H. Van Volxem, and subsequently by: C. Milbradt and A. Schwarz, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Garmo AG (Stuttgart, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 September 2010 (Case R 1497/2009-4) concerning opposition proceedings between Organismos Kypriakis Galaktokomikis Viomichanias and Garmo AG.

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 September 2010 (Case R 1497/2009-4);
2. Orders OHIM to pay the costs, including those incurred in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 30, 29.1.2011.

Judgment of the General Court of 13 June 2012 — XXXLutz Marken v OHIM — Meyer Manufacturing (CIRCON)

(Case T-542/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark CIRCON — Prior Community word mark CIRCULON — Relative ground for refusal — Likelihood of confusion — Similarity of the signs — Highly distinctive character — Goodwill — Article 8(1)(b) of Regulation (EC) No 207/2009 — Procedure before the Board of Appeal — Rights of the defence — Articles 75 and 76 of Regulation No 207/2009)

(2012/C 217/43)

Language of the case: German

Parties

Applicant: XXXLutz Marken GmbH (Wels, Austria) (represented by: H. Pannen, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: R. Manea, and subsequently by: K. Klüpfel, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court: Meyer Manufacturing Co. Ltd (Kowloon, Hong Kong) (represented by: M. Fiedler, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 3 September 2010 (Case R 40/2010-1) concerning opposition proceedings between Meyer Manufacturing Co. Ltd and XXXLutz Marken 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 3 September 2010 (Case R 40/2010-1);
2. Orders OHIM to bear its own costs and to pay those incurred by XXXLutz Marken GmbH;
3. Orders Meyer Manufacturing Co. Ltd to bear its own costs.

(¹) OJ C 30, 29.1.2011.

Judgment of the General Court of 12 June 2012 — Stichting Regionaal Opleidingencentrum van Amsterdam v OHIM — Investimust (COLLEGE)

(Case T-165/11) (¹)

(Community trade mark — Invalidity proceedings — Community word mark COLLEGE — Absolute ground for refusal — Absence of descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)

(2012/C 217/44)

Language of the case: English

Parties

Applicant: Stichting Regionaal Opleidingencentrum van Amsterdam (Amsterdam, Netherlands) (represented by: R. van Leeuwen, lawyer)

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: Investimust SA (Geneva, Switzerland)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 12 January 2011 (Case R 508/2010-4), concerning invalidity proceedings between Stichting Regionaal Opleidingencentrum van Amsterdam and Investimust SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Stichting Regionaal Opleidingencentrum van Amsterdam to pay the costs.

(¹) OJ C 152, 21.5.2011.

Judgment of the General Court of 13 June 2012 — Hotel Reservation Service Robert Ragge v OHIM — Promotora Imperial (iHotel)

(Case T-277/11) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark iHotel — Earlier Community figurative mark i-hotel — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 217/45)

Language of the case: German

Parties

Applicant: Hotel Reservation Service Robert Ragge GmbH (Cologne, Germany) (represented by: M. Koch and D. Hötte, 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: Promotora Imperial SA (Pozuelo de Alarcón, Spain)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 24 February 2011 (Case R 832/2010-1) relating to opposition proceedings between Promotora Imperial SA and Hotel Reservation Service Robert Ragge GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Hotel Reservation Service Robert Ragge GmbH to bear its own costs and to pay those incurred by OHIM.

(¹) OJ C 238, 13.8.2011.