

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Viaguara S.A. to pay the costs.

(¹) OJ C 301, 6.11.2010.

Judgment of the General Court of 24 January 2012 — El Corte Inglés v OHIM — Ruan (B)

(Case T-593/10) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark containing the letter ‘B’ — Earlier Community figurative mark containing the letter ‘B’ — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 65/24)

Language of the case: Spanish

Parties

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

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

Other party to the proceedings before the Board of Appeal of OHIM: Jian Min Ruan (Mem Martins, Portugal)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 October 2010 (Case R 576/2010-2) relating to opposition proceedings between El Corte Inglés and Jian Min Ruan.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders El Corte Inglés, SA to pay the costs.

(¹) OJ C 80, 12.3.2011.

Judgment of the General Court of 19 January 2012 — Shang v OHIM (justing)

(Case T-103/11) (¹)

(Community trade mark — Application for the Community figurative mark ‘justing’ — Earlier national figurative mark JUSTING — Seniority of the earlier national mark claimed — Signs not identical — Article 34 of Regulation (EC) No 207/2009)

(2012/C 65/25)

Language of the case: Italian

Parties

Applicant: Tiantian Shang (Rome, Italy) (represented by: A. Salerni, lawyer)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 14 December 2010 (Case R 1388/2010-2), relating to a claim of seniority of the national figurative mark JUSTING held by Mrs Tiantian Shang.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mrs Tiantian Shang to pay the costs.

(¹) OJ C 113, 9.4.2011.

Action brought on 5 December 2011 — Hostel Drap v OHIM — Aznar textil (MY drap)

(Case T-636/11)

(2012/C 65/26)

Language in which the application was lodged: Spanish

Parties

Applicant: Hostel Drap, SL (Monistrol de Montserrat, Spain) (represented by: C. Prat, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: Aznar textil, SL (Paterna, Spain)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 September 2011 in Case R 2127/2010-2;
- reject the opposition;
- refer the case back to the OHIM for it to register the mark applied for in all the classes in respect of which registration is sought;
- order OHIM to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: Figurative mark ‘MY drap’ for goods in Classes 16, 21 and 24