

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Aitic Penteo, SA to pay the costs.

⁽¹⁾ OJ C 63, 26.2.2011.

Judgment of the General Court of 22 May 2012 — Kraft Foods Global Brands v OHIM — fenaco (SUISSE PREMIUM)

(Case T-60/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark SUISSE PREMIUM — Earlier Community figurative mark Premium — Absolute ground for refusal — No likelihood of confusion — Opposition rejected — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 200/29)

Language of the case: German

Parties

Applicant: Kraft Foods Global Brands LLC (Northfield, Illinois, United States) (represented by: M. de Justo Bailey, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: fenaco Genossenschaft (Bern, Switzerland) (represented by: P. Koch Moreno, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 11 November 2010 (Case R 522/2010-1) concerning opposition proceedings between Kraft Foods Global Brands LLC and fenaco Genossenschaft.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Kraft Foods Global Brands LLC to pay the costs.

⁽¹⁾ OJ C 103, 2.4.2011.

Judgment of the General Court of 22 May 2012 — Asa v OHIM — Merck (FEMIFERAL)

(Case T-110/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark FEMIFERAL — Earlier national word mark Feminatal and earlier national figurative mark feminatal — Relative ground for refusal — Similarity of the signs — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 200/30)

Language of the case: Polish

Parties

Applicant: Asa sp. z o.o. (Głubczyce, Poland) (represented by: M. Chimiak, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Merck sp. z o.o. (Warsaw, Poland)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 19 November 2010 (Case R 182/2010-1) relating to opposition proceedings between Merck sp. z o.o. and Asa sp. z o.o.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Asa sp. z o.o. to pay the costs.

⁽¹⁾ OJ C 139, 7.5.2011.

Judgment of the General Court of 24 May 2012 — TMS Trademark-Schutzrechtsverwertungsgesellschaft v OHIM — Comercial Jacinto Parera (MAD)

(Case T-152/11) ⁽¹⁾

(Community trade mark — Revocation proceedings — Community figurative mark MAD — Genuine use of the mark — Article 51(1)(a) of Regulation (EC) No 207/2009 — Form differing in elements which do not alter the distinctive character — Article 15(1)(a) of Regulation No 207/2009)

(2012/C 200/31)

Language of the case: Spanish

Parties

Applicant: TMS Trademark-Schutzrechtsverwertungsgesellschaft mbH (Dusseldorf, Germany) (represented by: B. Hein and M.-H. Hoffmann, lawyers)

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