

GENERAL COURT

Judgment of the General Court of 18 June 2014 — Cantina Broglie 1 v OHIM — Camera di Commercio, Industria, Artigianato e Agricoltura di Verona (RIPASSA)

(Case T-595/10) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark RIPASSA — Earlier national word mark VINO DI RIPASSO — Relative ground for refusal — Article 75 of Regulation (EC) No 207/2009 — Obligation to state reasons)

(2014/C 253/33)

Language of the case: Italian

Parties

Applicant: Cantina Broglie 1 Srl (Peschiera del Garda, Italy) (represented by: A. Rizzoli, lawyer, allowed to replace A. Zenato)

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

Other party to the proceedings before the Board of Appeal of OHIM: Camera di Commercio, Industria, Artigianato e Agricoltura di Verona (Verona, Italy)

Re:

Action brought against the decision of the first Board of Appeal of OHIM of 30 September 2010 (Case R 63/2010-1) relating to opposition proceedings between the Camera di Commercio, Industria, Artigianato e Agricoltura di Verona and Mr Alberto Zenato

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 30 September 2010 (Case R 63/2010-1);
2. Orders OHIM to pay the costs, including those incurred in the proceedings before the Board of Appeal.

⁽¹⁾ OJ C 72, 5.3.2011.

Judgment of the General Court of 18 June 2014 — Spain v Commission

(Case T-260/11) ⁽¹⁾

(Fisheries — Conservation of fishery resources — Spain exceeding mackerel fishing quotas in zones VIIIc, IX and X in EU waters of CECAF 34.1.1 for 2010 — Deductions from fishing quotas for 2011 to 2015 — Rights of the defense — Legal certainty — Legitimate expectations — Equal treatment)

(2014/C 253/34)

Language of the case: Spanish

Parties

Applicant: Kingdom of Spain (represented by: initially N. Díaz Abad and L. Banciella Rodríguez-Miñón, then M. Sampoll Pucurull and Banciella Rodríguez-Miñón, abogados del Estado)

Defendant: European Commission (represented by: A. Bouquet, F. Jimeno Fernández and D. Nardi, Agents)

Re:

Annulment of Commission Regulation (EU) No 165/2011 of 22 February 2011 providing for deductions from certain mackerel quotas allocated to Spain in 2011 and subsequent years on account of overfishing in 2010 (OJ 2011 L 48, p. 11).

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders the Kingdom of Spain to bear its own costs and to pay those of the European Commission.*

⁽¹⁾ OJ C 211, 16.7.2011.

Judgment of the General Court of 24 June 2014 — Unister v OHIM (Ab in den Urlaub)

(Case T-273/12) ⁽¹⁾

(Community trade mark — Application for Community word mark Ab in den Urlaub — Mark consisting of an advertising slogan — Absolute ground for refusal — Absence of distinctive character — Article 7(1) (b) of Regulation (EC) No 207/2009 — Absence of evidence of distinctive character acquired through use — Article 7(3) of Regulation No 207/2009)

(2014/C 253/35)

Language of the case: German

Parties

Applicant: Unister GmbH (Leipzig, Germany) (represented by: H. Hug and A. Kessler-Jensch, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 3 April 2012 (Case R 2150/2011-1), concerning an application for registration of the word mark Ab in den Urlaub as a Community trade mark.

Operative part of the judgment

The Court:

- 1) *Dismisses the action;*
- 2) *Orders Unister GmbH to pay the costs.*

⁽¹⁾ OJ C 243, 11.8.2012.