

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Vermop Salmon GmbH to pay the costs.

(¹) OJ C 89, 19.3.2011.

Judgment of the General Court of 12 July 2012 — Rivella International v OHIM — Baskaya di Baskaya Alim (BASKAYA)

(Case T-170/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark BASKAYA — Earlier international figurative mark Passaia — Proof of genuine use of the earlier mark — Relevant territory — Article 42(2) and (3) of Regulation (EC) No 207/2009)

(2012/C 258/33)

Language of the case: German

Parties

Applicant: Rivella International AG (Rothrist, Switzerland) (represented initially by: C. Spintig, U. Sander and H. Förster, and subsequently by C. Spintig, S. Pietzcker and R. Jacobs, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Baskaya di Baskaya Alim e C. Sas (Grosseto, Italy) (represented by: H. Vogler, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 10 January 2011 (Case R 534/2010-4), relating to opposition proceedings between Rivella International AG and Baskaya di Baskaya Alim e C. Sas

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Rivella International AG to pay the costs.

(¹) OJ C 145, 14.5.2011.

Judgment of the General Court of 12 July 2012 — Wall v OHIM — Bluepod Media Worldwide (bluepod MEDIA)

(Case T-227/11) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark bluepod MEDIA — Earlier Community figurative mark blue spot and earlier international and national word marks BlueSpot — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 258/34)

Language of the case: English

Parties

Applicant: Wall AG (Berlin, Germany) (represented by: A. Nordemann and T. Boddien, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Bluepod Media Worldwide Ltd (London, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 10 February 2011 (Case R 301/2010-1) concerning opposition proceedings between Wall AG and Bluepod Media Worldwide Ltd

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Wall AG to pay the costs.

(¹) OJ C 194, 2.7.2011.

Judgment of the General Court of 12 July 2012 — Unión de Cervecerías Peruanas Backus y Johnston v OHIM (shape of a bottle)

(Case T-323/11) (¹)

(Community trade marks — Absolute grounds for refusal — Application for a three-dimensional trade mark — Shape of a bottle — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2012/C 258/35)

Language of the case: Spanish

Parties

Applicant: Unión de Cervecerías Peruanas Backus y Johnston SAA (Lima, Peru) (represented by: E. Armijo Chávarri and C. Morán Medina, lawyers)

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 23 March 2011 (Case R 2238/2010-2) concerning an application for registration of a three-dimensional sign consisting in the shape of a bottle as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the *Unión de Cervecerías Peruanas Backus y Johnston SAA* to pay the costs.

(¹) OJ C 252, 27.8.2011.

Judgment of the General Court of 12 July 2012 — Hand Held Products v OHIM — Orange Brand Services (DOLPHIN)

(Case T-361/11) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark DOLPHIN — Earlier Community word mark DOLPHIN — Opposition refused in part — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 258/36)

Language of the case: English

Parties

Applicant: Hand Held Products, Inc. (Wilmington, Delaware, United States) (represented by: J. Güell Serra and M. Curell Aguilà, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented: initially by P. Bullock and R. Pethke and subsequently by P. Bullock and G. Schneider, Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Orange Brand Services Ltd (Bristol, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 April 2011 (Case R 1443/2010-1), concerning opposition proceedings between Hand Held Products, Inc. and Orange Brand Services Ltd.

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 6 April 2011 (Case R 1443/2010-1) in so far as it rejected the opposition in respect of electrical and electronic accessories;

2. Dismisses the action as to the remainder;
3. Orders Hand Held Products, Inc. and OHIM each to bear their own costs.

(¹) OJ C 269, 10.9.2011.

Judgment of the General Court of 12 July 2012 — Guccio Gucci v OHIM — Chang Qing Qing (GUDDY)

(Case T-389/11) (¹)

(Community trade mark — Opposition proceedings — Application for the Community word mark GUDDY — Earlier Community word mark GUCCI — Relative ground for refusal — Likelihood of confusion — Highly distinctive character of the earlier mark by reason of the public's recognition of that mark — Evidence — Article 8(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2012/C 258/37)

Language of the case: English

Parties

Applicant: Guccio Gucci SpA (Florence, Italy) (represented by: F. Jacobacci, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Chang Qing Qing (Florence)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 14 April 2011 (Case R 143/2010-1), relating to opposition proceedings between Guccio Gucci SpA and Mr Chang Qing Qing

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 14 April 2011 (Case R 143/2010-1) so far as it concerns, first, the goods in Class 9 of the Nice Agreement concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks of 15 June 1957, as revised and amended, and, secondly, the precious stones and precious metals in Class 14 of that agreement;

2. Orders OHIM to pay the costs.

(¹) OJ C 282, 24.9.2011.