

Judgment of the General Court of 15 January 2013 — Welte-Wenu v OHIM — Commission (EUROPEAN DRIVESHAFT SERVICES)

(Case T-413/11) ⁽¹⁾

(Community trade mark — Proceedings for a declaration of invalidity — Community figurative mark EUROPEAN DRIVESHAFT SERVICES — Absolute ground for refusal — Imitation of the emblem of an international inter-governmental organisation — Article 7(1)(h) of Regulation (EC) No 207/2009 — Article 6b of the Paris Convention — Content of the application for a declaration of invalidity — Admissibility of new elements — Article 56(2) and Article 76 of Regulation No 207/2009 — Rule 37(b)(iv) of Regulation (EC) No 2868/95 — Jurisdiction of the Board of Appeal in the case of an action limited to part of the decision of the Cancellation Division)

(2013/C 55/17)

Language of the case: German

Parties

Applicant: Welte-Wenu GmbH (Neu-Ulm, Germany) (represented by: T. Kahl, lawyer)

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: European Commission (represented by: J. Samnadda and F.W. Bulst, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 12 May 2011 (Case R 1590/2010-1) concerning proceedings for a declaration of invalidity between the European Commission and Welte-Wenu GmbH.

Operative part of the judgment

The Court:

1. Annuls paragraph 3 of the operative part of the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 12 May 2011 (Case R 1590/2010-1) concerning proceedings for a declaration of invalidity between the European Commission and Welte-Wenu GmbH, in so far as it states that Welte-Wenu shall pay the costs of the proceedings for a declaration of invalidity and includes them in the global sum of EUR 2 500 which Welte-Wenu must reimburse to the European Commission;
2. Dismisses the remainder of the action;
3. Orders Welte-Wenu to bear its own costs and to pay those incurred by OHIM. The Commission shall bear its own costs.

⁽¹⁾ OJ C 298, 8.10.2011.

Judgment of the General Court of 15 January 2013 — Gigabyte Technology v OHIM — Haskins (Gigabyte)

(Case T-451/11) ⁽¹⁾

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

(2013/C 55/18)

Language of the case: English

Parties

Applicant: Gigabyte Technology Co., Ltd (Taipei, Taiwan) (represented by: F. Schwerbrock, lawyer)

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: Robert A. Haskins (Quakertown, Pennsylvania, United States)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 May 2011 (Case R 2047/2010-2), concerning opposition proceedings between Robert A. Haskins and Gigabyte Technology Co., Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Gigabyte Technology Co., Ltd to pay the costs.

⁽¹⁾ OJ C 298, 8.10.2011.

Judgment of the General Court of 16 January 2013 — Spectrum Brands (UK) v OHIM — Philips (STEAM GLIDE)

(Case T-544/11) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark STEAM GLIDE — Absolute ground for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009)

(2013/C 55/19)

Language of the case: English

Parties

Applicant: Spectrum Brands (UK) Ltd (Manchester, United Kingdom) (represented by: S. Malynicz, Barrister)