

Other party to the proceedings: Guido Strack (Cologne, Germany) (represented by: H. Tettenborn, lawyer)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Second Chamber) of 15 March 2011 in Case F-120/07 *Strack v Commission* ECR-SC 0000 seeking to have that judgment set aside in part.

Operative part of the judgment

The Court:

1. Sets aside the judgment of the European Union Civil Service Tribunal of 15 March 2011 in Case F 120/07 *Strack v Commission*;
2. Dismisses the action brought by Mr Guido Strack before the European Union Civil Service Tribunal in Case F-120/07;
3. Orders Mr Strack and the European Commission to bear their own costs, both of the proceedings before the Civil Service Tribunal and at the present instance.

(¹) OJ C 232, 6.8.2011.

Judgment of the General Court of 8 November 2012 — Hartmann v OHIM (Nutriskin Protection Complex)

(Case T-415/11) (¹)

(Community trade mark — Application for the Community word mark Nutriskin Protection Complex — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) No 207/2009 — Lack of distinctive character — Article 7(1)(b) of Regulation No 207/2009 — OHIM's decision-making practice — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2012/C 399/35)

Language of the case: German

Parties

Applicant: Paul Hartmann AG (Heidenheim an der Brenz, Germany) (represented by: N. Aicher, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel and A. Poch, acting as Agents)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 May 2011 (Case R 1524/2010-1), concerning an application for registration of the sign Nutriskin Protection Complex as a Community trade mark

Operative part of the judgment

The Court:

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

(¹) OJ C 298, 8.10.2011.

Judgment of the General Court of 14 November 2012 — Evonik Industries v OHIM — Impulso Industrial Alternativo (Impulso creador)

(Case T-529/11) (¹)

(Community trade mark — Opposition proceedings — Application for Community word mark Impulso creador — Earlier figurative Community mark IMPULSO — Relative ground for refusal — Likelihood of confusion — Similarity of signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2012/C 399/36)

Language of the case: English

Parties

Applicant: Evonik Industries AG (Essen, Germany) (represented by: J. Albrecht, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Impulso Industrial Alternativo, SA (Madrid, Spain) (represented by F. Brandolini Kujman and J. Devaureix, lawyers)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 June 2011 (Case R 1101/2010-2), concerning opposition proceedings between Impulso Industrial Alternativo, SA and Evonik Industries AG.

Operative part of the judgment

The Court:

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

(¹) OJ C 362, 10.12.2011.