

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

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 6 April 2011 (Case R 1831/2010-2) concerning an application for registration of the word mark PHOTOS.COM as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Getty Images (US), Inc. to pay the costs.

(¹) OJ C 252, 27.8.2011.

Judgment of the General Court of 21 November 2012 — Atlas v OHIM — Couleurs de Tollens (ARTIS)

(Case T-558/11) (¹)

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

(2013/C 9/63)

Language of the case: English

Parties

Applicant: Atlas sp. z o.o. (Łódź, Poland) (represented by: R. Rumpel, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Couleurs de Tollens (Clichy, France) (represented by J.-G. Monin, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 28 July 2011 (Case R 1253/2010-1), relating to opposition proceedings between Couleurs de Tollens-Agora and Atlas sp. z o.o.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Atlas sp. z o.o. to pay the costs, including those incurred by Couleurs de Tollens during the proceedings before the Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

(¹) OJ C 13, 14.1.2012.

Judgment of the General Court of 20 November 2012 — Phonebook of the World v OHIM — Seat Pagine Gialle (PAGINE GIALLE)

(Case T-589/11) (¹)

(Community trade mark — Invalidity proceedings — Community word mark PAGINE GIALLE — Absolute grounds for refusal — Distinctive character — Lack of descriptive character — No signs or indications which have become customary — Article 7(1)(b) to (d) of Regulation (EC) No 207/2009 — Distinctive character acquired through use — Article 7(3) of Regulation No 207/2009)

(2013/C 9/64)

Language of the case: English

Parties

Applicant: Phonebook of the World (Paris, France) (represented by: A. Bertrand, 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, intervener before the General Court: Seat Pagine Gialle SpA (Milan, Italy) (represented by: F. Jacobacci, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 4 August 2011 (Case R 1541/2010-2), relating to invalidity proceedings between Phonebook of the World and Seat Pagine Gialle SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Phonebook of the World to pay the costs.

(¹) OJ C 32, 4.2.2012.

Order of the General Court of 15 November 2012 — Marcuccio v Commission

(Case T-286/11 P) (¹)

(Appeal — Civil service — Officials — Non-contractual liability — Compensation for the damage resulting from the fact that a letter concerning the costs in a case was sent to the lawyer who represented the appellant in that case — Appeal in part manifestly inadmissible and in part manifestly unfounded)

(2013/C 9/65)

Language of the case: Italian

Parties

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)