

Judgment of the General Court of 21 March 2013 — Event v OHIM — CBT Comunicación Multimedia (eventer EVENT MANAGEMENT SYSTEMS)

(Case T-353/11) ⁽¹⁾

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

(2013/C 129/34)

Language of the case: English

Parties

Applicant: Event Holding GmbH & Co. KG (Cologne, Germany) (represented by: G. Schoenen and V. Töbelmann, lawyers)

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: CBT Comunicación Multimedia (Getxo, Spain)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 29 March 2011 (Case R 939/2010-2), relating to opposition proceedings between Event Holding GmbH & Co. KG and CBT Comunicación Multimedia, SL

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders Event Holding GmbH & Co. KG to pay the costs.

⁽¹⁾ OJ C 252, 27.8.2011.

Judgment of the General Court of 20 March 2013 — Ruse Industry v Commission

(Case T-489/11) ⁽¹⁾

(State aid — Aid granted by Bulgaria in the form of a debt waiver — Decision declaring that aid incompatible with the internal market and ordering its recovery — New aid — Distortion of competition — Obligation to state reasons)

(2013/C 129/35)

Language of the case: Bulgarian

Parties

Applicant: Ruse Industry (Ruse, Bulgaria) (represented by: A. Angelov and S. Panov, lawyers)

Defendant: European Commission (represented by: C. Urraca Caviedes and D. Stefanov, acting as Agents)

Re:

Application for annulment in part of Commission Decision 2012/706/EU of 13 July 2011 on the State aid SA.28903 (C 12/10) (ex N 389/09) implemented by Bulgaria in favour of Ruse Industry (OJ 2012 L 320, p. 27).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Ruse Industry AD to bear its own costs and those incurred by the European Commission, including those relating to the application for interim relief.

⁽¹⁾ OJ C 347, 26.11.2011.

Judgment of the General Court of 20 March 2013 — El Corte Inglés v OHIM — Chez Gerard (CLUB GOURMET)

(Case T-571/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark CLUB GOURMET — Earlier national figurative mark CLUB DEL GOURMET, EN. El Corte Inglés — Relative ground for refusal — Lack of similarity between the goods and services — Article 8(1)(b) of Regulation (EC) No 207/2009 — Arguments and evidence adduced for the first time before the General Court)

(2013/C 129/36)

Language of the case: Spanish

Parties

Applicant: El Corte Inglés, SA (Madrid, Spain) (represented by: E. Seijo Veiguera and J.L. Rivas Zurdo, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Groupe Chez Gerard Restaurants Ltd (London, United Kingdom)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 28 July 2011 (Case R 1946/2010-1) relating to opposition proceedings between El Corte Inglés, SA and Groupe Chez Gerard Restaurants Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action.
2. Orders El Corte Inglés, SA to pay the costs.

(¹) OJ C 13, 14.1.2012.

Judgment of the General Court of 19 March 2013 — Yueqing Onesto Electric v OHIM — Ensto (ONESTO)

(Case T-624/11) (¹)

(Community trade mark — Opposition proceedings — International registration designating the European Community — Figurative mark ONESTO — Earlier Community figurative mark ENSTO — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 129/37)

Language of the case: English

Parties

Applicant: Yueqing Onesto Electric Co. Ltd (Zhejiang, China) (represented by: B. Piepenbrink, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Ensto Oy (Porvoo, Finland) (represented by: F. Teixeira Baptista, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 20 September 2011 (Case R 2535/2010-2), concerning opposition proceedings between Ensto Oy and Yueqing Onesto Electric Co. Ltd.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Yueqing Onesto Electric Co. Ltd to pay the costs.

(¹) OJ C 32, 4.2.2012.

Judgment of the General Court of 20 March 2013 — Bimbo v OHIM — Café do Brasil (Caffè KIMBO)

(Case T-277/12) (¹)

(Community trade mark — Opposition proceedings — Application for the Community figurative mark Caffè KIMBO — Earlier national word mark BIMBO — Relative grounds for refusal — Well-known trade mark within the meaning of Article 6 bis of the Paris Convention — Article 8(1) of Regulation (EC) No 207/2009)

(2013/C 129/38)

Language of the case: English

Parties

Applicant: Bimbo, SA (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Café do Brasil SpA (Melito di Napoli, Italy) (represented by: M. Mostardini, G. Galimberti and F. Melluci, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 15 May 2012 (Case R 1017/2011-4), relating to opposition proceedings between Bimbo, SA and Café do Brasil SpA

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Bimbo, SA, to pay the costs.

(¹) OJ C 273, 8.9.2012.

Order of the General Court of 7 March 2013 — UOP v Commission

(Case T-198/09) (¹)

(Action for annulment — State aid — No individual concern — Inadmissibility)

(2013/C 129/39)

Language of the case: English

Parties

Applicant: UOP Ltd (Guildford, United Kingdom) (represented by: B. Hartnett and O. Geiss, lawyers)