

2. Annuls the decision of EPO not to admit Ms Vicente Carbajosa in respect of the competition EPO/AD/117/08 and Ms Lehtinen and Ms Menchén in respect of the competition EPO/AD/116/08 onto the list of candidates invited to submit a full application.
3. Orders Ms Vicente Carbajosa, Ms Lehtinen and Ms Menchén and the European Commission to bear their own costs.

(¹) OJ C 72, 5.3.2011.

Judgment of the General Court of 14 December 2011 — Häfele v OHIM (Infront)

(Case T-166/11) (¹)

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

(2012/C 32/53)

Language of the case: German

Parties

Applicant: Häfele GmbH & Co. KG (Nagold, Germany) (represented by: M. Eck and J. Dönch, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 17 January 2011 (Case R 1711/2010-1), concerning an application for registration of the word sign Infront as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Häfele GmbH & Co. KG to pay the costs.

(¹) OJ C 145, 14.5.2011.

Action brought on 23 May 2011 — Fon Wireless v OHIM — nfon (nfon)

(Case T-283/11)

(2012/C 32/54)

Language in which the application was lodged: Spanish

Parties

Applicant: Fon Wireless Ltd (London, United Kingdom) (represented by: F. Brandolini Kujman, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

Other party to the proceedings before the Board of Appeal: nfon AG (Munich, Germany)

Form of order sought

The applicant claims that the Court should:

- declare the action admissible, together with all of the relevant documents and copies;
- declare the proposed evidence admissible;
- accept that evidence, and annul and declare inapplicable the decision of the Fourth Board of Appeal of OHIM of 18 March 2011 in Case R 1017/2009-4 and, consequently, refuse the registration of Community trade mark No 6.206.321 'nfon';
- order the defendant to pay the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: nfon AG.

Community trade mark concerned: word mark 'nfon' for goods and services in Classes 9, 35 and 38.

Proprietor of the mark or sign cited in the opposition proceedings: the applicant.

Mark or sign cited in opposition: Community and national figurative and word mark 'fon' for goods and services in Classes 9, 38 and 42.

Decision of the Opposition Division: opposition upheld.

Decision of the Board of Appeal: appeal upheld.

Pleas in law: Infringement of Article 8(1)(b) of Regulation (EC) No 207/2009, since the opposing marks are similar; and infringement of Article 8(5) of Regulation (EC) No 207/2009, since nfon AG claims to be taking advantage of the reputation acquired by the earlier marks.

Action brought on 31 October 2011 — Viejo Valle v OHIM — Etablissements Coquet (Coffee service set with grooves)

(Case T-566/11)

(2012/C 32/55)

Language in which the application was lodged: Spanish

Parties

Applicant: Viejo Valle, SA (L'Olleria, Spain) (represented by: I. Temiño Cenicerros, lawyer)