

V

(Announcements)

COURT PROCEEDINGS

COURT OF JUSTICE

Judgment of the Court (Seventh Chamber) of 6 March 2014 — Pi-Design AG, Bodum France SAS, Bodum Logistics A/S v Yoshida Metal Industry Co. Ltd, Office for Harmonisation in the Internal Market (Trade Marks and Designs)

(Joined Cases C-337/12 P to C-340/12 P) ⁽¹⁾

(Appeal — Community trade mark — Registration of signs consisting of a surface with black dots — Declaration of invalidity — Regulation (EC) No 40/94 — Article 7(1)(e)(ii) — Distortion of the evidence)

(2014/C 129/02)

Language of the case: English

Parties

Appellants: Pi-Design AG, Bodum France SAS, Bodum Logistics A/S (represented by: H. Pernez, avocat)

Other parties to the proceedings: Yoshida Metal Industry Co. Ltd (represented by: S. Vereá, K. Muraro and M. Balestrieri, avvocati), Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent)

Re:

Appeals brought against the judgments of the General Court (Fourth Chamber) of 8 May 2012 in Cases T-331/10 and T-461/10 *Yoshida Metal Industry v OHIM — Pi-Design and Others*, by which that court annulled Decisions R 1235/2008-1 and R 1237/2008-1 of the First Board of Appeal of the Office for Harmonisation in the Internal Market (OHIM) of 20 May 2010 which annulled the decisions of the Cancellation Division rejecting the applications for declarations of invalidity brought by Pi-Design, Bodum France and Bodum Logistics A/S in respect of figurative marks representing a triangular surface with black dots (T-331/10) and a surface with black dots (T-416/10), for goods in Classes 8 and 21 — Interpretation of Article 7(1)(e)(ii) of Regulation (EC) No 207/2009 on the Community trade mark — Sign which consists exclusively of the shape of goods which is necessary to obtain a technical result.

Operative part of the judgment

The Court:

1. Sets aside the judgments of the General Court of the European Union of 8 May 2012 in Case T-331/10 *Yoshida Metal Industry v OHIM — PiDesign and Others (Representation of a triangular surface with black dots)* and Case T-416/10 *Yoshida Metal Industry v OHIM — Pi-Design and Others (Representation of a surface with black dots)*;
2. Refers the cases back to the General Court of the European Union;
3. Reserves the costs.

⁽¹⁾ OJ C 295, 29.9.2012.