

**Re:**

Appeal brought against the judgment of the General Court (Sixth Chamber) of 27 September 2012 in Case T-370/06 *Kuwait Petroleum and Others v Commission*, by which the General Court dismissed an action seeking partial annulment of Commission Decision C(2006) 4090 final of 13 September 2006 relating to a proceeding under Article 81 EC (Case COMP/F/38.456 — Bitumen (Netherlands)) concerning agreements on the fixing of the gross price of road pavement bitumen in the Netherlands and on the fixing of a uniform minimum rebate for road-builders participating in the cartel and a smaller maximum rebate for other road builders — Reduction of the fine imposed on the appellants.

**Operative part of the order**

*The Court*

1. Dismisses the appeal;
2. Orders *Kuwait Petroleum Corp., Kuwait Petroleum International Ltd and Kuwait Petroleum (Nederland) BV* to pay the costs.

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<sup>(1)</sup> OJ C 55, 23.2.2013.

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**Order of the Court (Seventh Chamber) of 24 October 2013 — Lancôme parfums et beauté & Cie v Office for Harmonisation in the Internal Market (Trade Marks and Designs), Focus Magazin Verlag GmbH**

(Case C-593/12 P) <sup>(1)</sup>

***(Appeal — Community trade mark — Word mark Color Focus — Application for a declaration of invalidity made by the proprietor of the Community word mark Focus — Declaration of invalidity — Surrender — Article 149 of the Rules of Procedure — Appeal which has become devoid of purpose — No need to adjudicate)***

(2014/C 102/07)

*Language of the case: English*

**Parties**

*Appellant:* Lancôme parfums et beauté & Cie (represented by: A. von Mühlendahl, Rechtsanwalt)

*Other parties to the proceedings:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, acting as Agent, R. Schweizer, Rechtsanwalt), Focus Magazin Verlag GmbH (represented by R. Schweizer, Rechtsanwalt)

**Re:**

Appeal brought against the judgment of 5 October 2012 in Case T-204/10 *Lancôme v OHIM*, by which the General Court (Eighth Chamber) dismissed an action brought by the proprietor of the word mark 'COLOR FOCUS' for goods in Class 3 against Decision R 238/2009-2 of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 11 February 2010, dismissing the appeal brought against the decision of the Cancellation Division upholding the action for a declaration of the invalidity of that mark, brought by the proprietor of the Community word mark 'FOCUS' for goods in Class 3 — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009 — Likelihood of confusion — Similarity of the marks — Genuine use of the earlier mark — Abuse of rights.

**Operative part of the order**

1. *There is no need to adjudicate on the appeal.*
2. *Lancôme parfums et beauté & Cie shall pay the costs of the present proceedings.*

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<sup>(1)</sup> OJ C 55, 23.2.2013.