

Judgment of the General Court of 14 May 2013 — Fabryka Łożysk Tocznych-Kraśnik v OHIM — Impexmetal (IKFLT KRAŚNIK)

(Case T-19/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark IKFLT KRAŚNIK — Earlier Community figurative mark FLT — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 178/17)

Language of the case: Polish

Parties

Applicant: Fabryka Łożysk Tocznych-Kraśnik S.A. (Kraśnik, Poland) (represented by: J. Sieklucki, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Impexmetal S.A. (Warsaw, Poland) (represented by: W. Trybowski and K. Pyszków, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 27 October 2011 (Case R 2475/2010-1) concerning opposition proceedings between Impexmetal S.A. and Fabryka Łożysk Tocznych-Kraśnik S.A.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fabryka Łożysk Tocznych-Kraśnik S.A. to pay the costs.

⁽¹⁾ OJ C 109, 14.4.2012.

Judgment of the General Court of 14 May 2013 — Unister v OHIM (fluege.de)

(Case T-244/12) ⁽¹⁾

(Community trade mark — Application for the Community word mark fluege.de — Absolute grounds for refusal — Descriptive character — No distinctive character — Distinctive character acquired through use — Article 7(1)(b) and (c) and Article 7(2) and (3) of Regulation (EC) No 207/2009)

(2013/C 178/18)

Language of the case: German

Parties

Applicant: Unister GmbH (Leipzig (Germany)) (represented by: H. Hug and A. Kessler-Jensch, lawyers)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 14 March 2012 (Case R 2149/2011-1) concerning an application for registration of the word sign fluege.de as a Community trade mark

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Unister GmbH to bear its own costs and to pay the costs incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

⁽¹⁾ OJ C 217, 21.7.2012.

Action brought on 29 January 2013 — Rose Vision and Seseña v Commission

(Case T-45/13)

(2013/C 178/19)

Language of the case: Spanish

Parties

Applicants: Rose Vision, SL (Seseña, Spain) and Julián Seseña (Pozuelo de Alarcón, Spain) (represented by: M. Muñoz Bernuy and A. Alonso Villa, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the General Court should:

- annul the decisions to suspend agreed payments;
- remove Rose Vision, SL from the Central Exclusion Database and the Early Warning System (EWS);
- order the defendant to pay EUR 5 000 624 in damages.