

GENERAL COURT

Judgment of the General Court of 12 February 2014 — Oetker Nahrungsmittel v OHIM (La qualité est la meilleure des recettes)(Case T-570/11) ⁽¹⁾**(Community trade mark — Application for Community word mark La qualité est la meilleure des recettes — Mark constituted by an advertising slogan — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2014/C 93/36)

Language of the case: German

Parties

Applicant: Dr. August Oetker Nahrungsmittel KG (Bielefeld, Germany) (represented by: F. Graf von Stosch, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: K. Klüpfel and A. Schifko, acting as Agents)

Re:

Action brought against the decision of the Grand Board of Appeal of OHIM of 8 July 2011 (Case R 1798/2010-G) concerning an application for registration of word sign La qualité est la meilleure des recettes as a Community trade mark.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Dr. August Oetker Nahrungsmittel KG to pay the costs.

⁽¹⁾ OJ C 13, 14.1.2012.**Judgment of the General Court of 12 February 2014 — Beco v Commission**(Case T-81/12) ⁽¹⁾**(Dumping — Imports of stainless steel fasteners originating in China and Taiwan — Application for recovery of charges levied — Second subparagraph of Article 11(8) of Regulation (EC) No 1225/2009 — Legal certainty)**

(2014/C 93/37)

Language of the case: German

Parties

Applicant: Beco Metallteile-Handels GmbH (Spaichingen, Germany) (represented by: T. Pfeiffer, lawyer)

Defendant: European Commission (represented by: H. van Vliet and T. Maxian Rusche, acting as Agents)

Re:

Application for annulment of Commission Decision C(2011) 9112 final of 13 December 2011, concerning an application for a refund of anti-dumping duties paid on imports of stainless steel fasteners originating in the People's Republic of China and Taiwan.

Operative part of the judgment

The Court:

1. Annuls Commission Decision C(2011) 9112 final of 13 December 2011, concerning an application for a refund of anti-dumping duties paid on imports of stainless steel fasteners originating in the People's Republic of China and Taiwan;
2. Orders the European Commission to pay the costs.

⁽¹⁾ OJ C 118, 21.4.2012.**Judgment of the General Court of 13 February 2014 — Demon International v OHIM — Big Line (DEMON)**(Case T-380/12) ⁽¹⁾**(Community trade mark — Invalidity proceedings — Figurative Community trade mark DEMON — Prior international word mark DEMON — Relative ground for refusal — Likelihood of confusion — Similarity of the goods — Similarity of the signs — Article 8(1)(b) and Article 53(1)(a) of Regulation (EC) No 207/2009)**

(2014/C 93/38)

Language of the case: Italian

Parties

Applicant: Demon International (Orem, Utah, United States) (represented by: T. Krüger, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: F. Mattina, and subsequently by: L. Rampini, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Big Line Sas di Graziani Lorenzo (Thiene, Italy) (represented by: B. Osti, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 20 June 2012 (Case R 1845/2011-4) concerning invalidity proceedings between Demon International, LC and Big Line Sas di Graziani Lorenzo.