

3. dismisses the application for compensation in Case T-347/11;
4. orders Bruno Gollnisch to pay the costs, including those relating to the applications for interim measures in Cases T-346/11 and T-347/11.

<sup>(1)</sup> OJ C 252, 27.8.2011.

**Judgment of the General Court of 17 January 2013 —  
Solar-Fabrik v OHIM (Premium XL and Premium L)**

(Joined Cases T-582/11 and T-583/11) <sup>(1)</sup>

*(Community trade mark — Applications for the Community word marks Premium XL and Premium L — Absolute grounds for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)*

(2013/C 63/37)

Language of the case: German

**Parties**

*Applicant:* Solar-Fabrik AG für Produktion und Vertrieb von solartechnischen Produkten (Freiburg im Breisgau, Germany) (represented by: M. Douglas, lawyer)

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

**Re:**

Two actions brought against two decisions of the First Board of Appeal of OHIM of 1 September 2011 (Case R 245/2011-1 and Case R 246/2011-1 respectively), concerning applications for registration as Community trade marks of the word sign Premium XL and the word sign Premium L respectively

**Operative part of the judgment**

*The Court:*

1. Joins Cases T-582/11 and T-583/11 for the purposes of the judgment;
2. Dismisses the actions;
3. Orders Solar-Fabrik AG für Produktion und Vertrieb von solartechnischen Produkten to pay the costs.

<sup>(1)</sup> OJ C 25, 28.1.2012.

**Judgment of the General Court of 18 January 2013 —  
FunFactory v OHIM (Vibrator)**

(Case T-137/12) <sup>(1)</sup>

*(Community trade mark — Application for a three-dimensional trade mark — Vibrator — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Obligation to state reasons — The first sentence of Article 75 of Regulation No 207/2009 — Rights of the defence — The second sentence of Article 75 of Regulation No 207/2009)*

(2013/C 63/38)

Language of the case: German

**Parties**

*Applicant:* FunFactory GmbH (Brême, Germany) (represented by: K.-D. Franzen, lawyer)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 19 January 2012 (Case R 1436/2011-4) concerning an application for registration of a three-dimensional sign representing a vibrator.

**Operative part of the judgment**

*The Court:*

1. Dismisses the application;
2. Orders FunFactory GmbH to pay the costs.

<sup>(1)</sup> OJ C 157, 2.6. 2012.

**Action brought on 15 October 2012 — Stromberg  
Menswear v OHIM — Leketoy Stormberg Inter  
(STORMBERG)**

(Case T-451/12)

(2013/C 63/39)

Language in which the application was lodged: English

**Parties**

*Applicant:* Stromberg Menswear Ltd (Leeds, United Kingdom) (represented by: A. Tsoutsanis, lawyer, and C. Tulley, Solicitor)

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

*Other party to the proceedings before the Board of Appeal:* Leketoy Stormberg Inter AS (Kristiansand S, Norway)

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 3 August 2012 in case R 389/2012-4;