

Judgment of the General Court of 4 June 2014 — Free v OHIM Conradi + Kaiser (FreeLounge)(Case T-161/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark FreeLounge — Earlier national figurative mark free ‘LA LIBERTÉ N’A PAS DE PRIX’, earlier national word mark ‘FREE’, company name ‘FREE’ and domain name ‘FREE.FR’ — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Power to alter)

(2014/C 235/20)

Language of the case: French

Parties

Applicant: Free SAS (Paris, France) (represented by: Y. Coursin, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, Agent)

Other party to the proceedings before the Board of Appeal of OHIM: Conradi + Kaiser GmbH (Kleinmaischeid, Germany)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 25 January 2012 (Case R 437/2011-2), relating to opposition proceedings between Free SAS and Conradi + Kaiser GmbH.

Operative part of the judgment

The Court:

1. Declares that the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 25 January 2012 (Case R 437/2011-2) is annulled in so far as it considered that the services for online publication of electronic books and periodicals as well as the services for publication of periodicals and books in electronic form, including on the Internet, falling within Class 41 and covered by the application for registration, were not similar to the services to disseminate information electronically, in particular for Internet-style global communication networks, falling within Class 38 and covered by the earlier figurative mark;
2. Dismisses the action as to the remainder;
3. Orders each party to bear its own costs.

⁽¹⁾ OJ C 194, 30.6.2012.

Judgment of the General Court of 5 June 2014 — European Drinks SA v OHIM — Alexandrion Grup Romania (Dracula Bite and DRACULA BITE)(Case T-495/12 to T-497/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative marks Dracula Bite and DRACULA BITE — Earlier national figurative mark Dracula — Absence of genuine use of the earlier mark — Article 42(2) and (3) of Regulation (EC) No 207/2009)

(2014/C 235/21)

Language of the case: English

Parties

Applicant: European Drinks SA (Ștei, Romania) (represented by: V. von Bomhard, lawyer)