

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

Other party to the proceedings before the Board of Appeal of OHIM: Fasel Srl (Bologna, Italy)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 26 January 2012 (Case R 2478/2010-1) relating to opposition proceedings between Aventis Pharmaceuticals, Inc. and Fasel Srl.

Operative part of the judgment

The Court:

1. *Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 26 January 2012 (Case R 2478/2010-1).*
2. *Dismisses the remainder of the action.*
3. *Orders OHIM to pay its own costs and those of Aventis Pharmaceuticals, Inc., for the purposes of the proceedings before the General Court and of those before the Board of Appeal.*

⁽¹⁾ OJ C 165, 9.6.2012.

Judgment of the General Court of 11 July 2013 — Metropolis Inmobiliarias y Restauraciones v OHIM — MIP Metro (METRO)

(Case T-197/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark METRO — Earlier Community figurative mark GRUPOMETROPOLIS — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Right to a fair hearing — Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms — Articles 75 and 76 of Regulation (EC) No 207/2009)

(2013/C 252/48)

Language of the case: German

Parties

Applicant: Metropolis Inmobiliarias y Restauraciones (Barcelona, Spain) (represented by: J. Carbonell Callicó, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: MIP Metro Group Intellectual Property GmbH & Co. KG (Düsseldorf, Germany) (represented by: J.-C. Plate and R. Kaase, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 1 March 2012 (Case R 2440/2010-1), relating to opposition proceedings between Metropolis Inmobiliarias y Restauraciones, SL and MIP Metro Group Intellectual Property GmbH & Co. KG.

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Metropolis Inmobiliarias y Restauraciones, SL to pay the costs.*

⁽¹⁾ OJ C 209, 14.7.2012.

Judgment of the General Court of 11 July 2013 — Think Schuhwerk v OHIM (Red shoelace end caps)

(Case T-208/12) ⁽¹⁾

(Community trade mark — Application for a Community trade mark — Red shoelace end caps — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009 — Procedure by default)

(2013/C 252/49)

Language of the case: German

Parties

Applicant: Think Schuhwerk GmbH (Kopfung, Austria) (represented by: M. Gail, 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 First Board of Appeal of OHIM of 23 February 2012 (Case R 1552/2011-1), concerning an application for registration as a Community trade mark of a sign consisting of red shoelace end caps

Operative part of the judgment

The Court:

1. *Dismisses the action;*
2. *Orders Think Schuhwerk GmbH to bear its own costs.*

⁽¹⁾ OJ C 209, 14.7.2012.