

Judgment of the General Court of 17 May 2013 — Sanofi Pasteur MSD v OHIM — Mundipharma (Representation of two devices of crossing sickles)

(Case T-502/11) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark representing two devices of crossing sickles — Earlier national and international figurative marks representing two devices of ribbons — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009)

(2013/C 189/41)

Language of the case: German

Parties

Applicant: Sanofi Pasteur MSD SNC (Lyon, France) (represented by: T. de Haan, P. Péters and V. Wellens, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Mundipharma AG (Basel, Switzerland) (represented by: F. Nielsen, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 22 July 2011 (Case R 1904/2010-4), relating to opposition proceedings between Sanofi Pasteur MSD SNC and Mundipharma AG

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Sanofi Pasteur MSD SNC to pay the costs.

⁽¹⁾ OJ C 340, 19.11.2011.

Judgment of the General Court of 16 May 2013 — Verus v OHIM — Performance Industries Manufacturing (VORTEX)

(Case T-104/12) ⁽¹⁾

(Community trade mark — Opposition procedure — Application for registration of the Community word mark VORTEX — Earlier Community word mark VORTEX — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — Right of priority — Article 29 of Regulation No 207/2009 — Partial surrender — Article 50 of Regulation No 207/2009 — Infringement of the right to be heard — Article 75, second sentence, of Regulation No 207/2009)

(2013/C 189/42)

Language of the case: German

Parties

Applicant: Verus Eood (Sofia, Bulgaria) (represented initially by S. Vykydal, then by F. Henkel, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Performance Industries Manufacturing, Inc. (Odessa, Florida, United States)

Re:

Action brought against the decision of the Fourth Chamber of the Board of Appeal of OHIM of 21 December 2011 (Case R 512/2011-4), relating to opposition proceedings between Verus Eood and Performance Industries Manufacturing Inc.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Verus Eood to pay the costs.

⁽¹⁾ OJ C 157, 2.6.2012.

Judgment of the General Court of 17 May 2013 — Rocket Dog Brands LLC v OHIM — Julius-K9 (JULIUS K9)

(Case T-231/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark JULIUS K9 — Earlier Community figurative marks K9 — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 189/43)

Language of the case: English

Parties

Applicant: Rocket Dog Brands LLC (Hayward, United-States) (represented by: C. Aikens, Barrister)

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

Other party to the proceedings before the Board of Appeal of OHIM: Julius-K9 bt (Szigetszentmiklós, Hungary)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 21 March 2012 (Case R 1124/2011-4), relating to opposition proceedings between Rocket Dog Brands LLC and Julius-K9 bt.

Operative part of the judgment

The Court:

1. Dismisses the application;
2. Orders Rocket Dog Brands LLC to pay the costs.

(¹) OJ C 227, 28.7.2012.

Judgment of the General Court of 16 May 2013 — Aleris v OHIM — Carefusion 303 (ALARIS)

(Case T-353/12) (¹)

(Community trade mark — Revocation proceedings — Community word mark ALARIS — Genuine use of the mark — Article 51(1)(a) and (2) of Regulation (EC) No 207/2009)

(2013/C 189/44)

Language of the case: English

Parties

Applicant: Aleris Holding AB (Stockholm, Sweden) (represented by: A. Kylhammar and K. Westerberg, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Carefusion 303, Inc. (San Diego, California, United States)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 11 May 2012 (Case R 334/2011-5) relating to revocation proceedings between Aleris Holding AB and Carefusion 303, Inc.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 11 May 2002 (Case R 334/2011-5) in so far as it rejects the application for revocation of the trade mark ALARIS in respect of the goods falling within Class 10 other than infusion systems, syringe pumps, volumetric pumps, controllers, thermometers and disposable thermometers;

2. Dismisses the action as to the remainder;

3. Orders each party to bear its own costs.

(¹) OJ C 311, 13.10.2012.

Order of the General Court of 14 May 2013 — Régie Networks and NRJ Global v Commission

(Case T-273/11) (¹)

(Action for annulment — State aid — State aid scheme implemented by France in favour of radio broadcasting — Decision not to raise objections — Lack of interest in bringing proceedings — Manifest inadmissibility)

(2013/C 189/45)

Language of the case: French

Parties

Applicants: Régie Networks (Lyon, France) and NRJ Global (Paris, France) (represented by: B. Geneste and C. Vannini, lawyers)

Defendant: European Commission (represented by: B. Stromsky and S. Thomas, acting as Agents)

Re:

Annulment of Commission Decision C(2010) 6483 final of 29 September 2010 concerning the State aid scheme No C-4/2009 (ex N 679/97) implemented by the [French Republic] to promote radio broadcasting and declaring that scheme compatible with the internal market, subject to compliance with certain conditions.

Operative part of the order

1. The action is dismissed.
2. Régie Networks and NRJ Global shall pay the costs.

(¹) OJ C 226, 30.7.2011.

Order of the General Court of 16 May 2013 — BybyOKD v Commission

(Case T-559/11) (¹)

(Action for annulment — State aid — Sale by the Czech Republic of its minority shareholding in the company OKD as part of a privatisation — Decision finding no State aid — Professional association — No individual concern — Concept of party concerned — Inadmissibility)

(2013/C 189/46)

Language of the case: Czech

Parties

Applicant: Sdružení nájemníků BybyOKD.cz (Ostrava, Czech Republic) (represented by: R. Pelikán, lawyer)