

**Judgment of the General Court of 3 July 2013 —
Warsteiner Brauerei Haus Cramer v OHIM**

(Case T-243/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark ALOHA 100 % NATURAL — Earlier national word mark ALOA — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2013/C 233/15)

Language of the case: German

Parties

Applicant: Warsteiner Brauerei Haus Cramer KG (formerly International Brands Germany GmbH & Co. KG) (Warstein, Germany) (represented by: B. Hein and M.-H. Hoffman, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: G. Schneider, then by A. Schiffko, Agents)

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Stuffer SpA (Bolzano, Italy) (represented by: F. Jacobacci, lawyer)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 14 March 2012 (Case R 1058/2011-1), relating to opposition proceedings between Stuffer SpA and Warsteiner Brauerei Haus Cramer KG, formerly International Brands Germany GmbH & Co. KG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Warsteiner Brauerei Haus Cramer KG to pay the costs.

⁽¹⁾ OJ C 217, 21.7.2012.

**Judgment of the General Court of 4 July 2013 —
Laboratoires CTRS v Commission**

(Case T-301/12) ⁽¹⁾

(Medicinal products for human use — Application for authorisation to market the medicinal product Orphacol — Commission decision refusing to grant authorisation — Regulation (EC) No 726/2004 — Directive 2001/83/EC — Well-established medicinal use — Exceptional circumstances)

(2013/C 233/16)

Language of the case: English

Parties

Applicant: Laboratoires CTRS (Boulogne-Billancourt, France) (represented by: K. Bacon, Barrister, M. Utges Manley and M. Barnden, Solicitors)

Defendant: European Commission (represented by: E. White, M. Šimerdová and L. Banciella, acting as Agents)

Interveners in support of the applicant: Czech Republic (represented by: M. Smolek and D. Hadroušek, acting as Agents); Kingdom of Denmark (represented by: V. Pasternak Jørgensen and C. Thorning, acting as Agents); French Republic (represented by: D. Colas, F. Gloaguen and S. Menez, acting as Agents); Republic of Austria (represented by: C. Pesendorfer and A. Posch, acting as Agents); United Kingdom of Great Britain and Northern Ireland (represented: initially by S. Behzadi-Spencer, acting as Agent, and subsequently by C. Murrel, and finally by L. Christie, acting as Agents, and by J. Holmes, Barrister)

Intervener in support of the defendant: Republic of Poland (represented: initially by B. Majczyna and M. Szpunar, and subsequently by B. Majczyna, acting as Agents)

Re:

Application for annulment of Commission Implementing Decision C(2012) 3306 final of 25 May 2012 refusing a marketing authorisation under Regulation (EC) No 726/2004 of the European Parliament and of the Council for 'Orphacol — Cholic acid', an orphan medicinal product for human use.

Operative part of the judgment

The Court:

1. Annuls Commission Implementing Decision C(2012) 3306 final of 25 May 2012 refusing a marketing authorisation under Regulation (EC) No 726/2004 of the European Parliament and of the Council for 'Orphacol — Cholic acid', an orphan medicinal product for human use;
2. Orders the European Commission to bear its own costs and those incurred by Laboratoires CTRS;
3. Orders the Czech Republic, the Kingdom of Denmark, the French Republic, the Republic of Austria, the Republic of Poland and the United Kingdom of Great Britain and Northern Ireland to bear their own costs.

⁽¹⁾ OJ C 250, 18.8.2012.