

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, intervener before the General Court: Wenf International Advisers Ltd (Tortola, British Virgin Islands) (represented by J.L. Rivas Zurdo, E. Seijo Veiguela and I. Munilla Muñoz, lawyers)

Re:

ACTION brought against the decision of the Third Board of Appeal of OHIM of 1 June 2012 (Case R 89/2011-3) in relation to invalidity proceedings between Wenf International Advisers Ltd and El Hogar Perfecto del Siglo XXI, SL.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders El Hogar Perfecto del Siglo XXI, SL to pay the costs.

(¹) OJ C 287, 22.9.2012.

Judgment of the General Court of 21 November 2013 — Equinix (Germany) v OHIM — Acotel (ancotel.)

(Case T-443/12) (¹)

(Community trade mark — Opposition proceedings — Application for Community figurative mark ancotel. — Earlier Community figurative mark ACOTEL — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2014/C 9/37)

Language of the case: German

Parties

Applicant: Equinix (Germany) GmbH, formerly ancotel GmbH (Frankfurt am Main, Germany) (represented by: H. Truelsen, 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: Acotel SpA (Rome, Italy)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 3 August 2012 (Case R 1895/2011-4) relating to opposition proceedings between Acotel SpA and ancotel GmbH, now Equinix (Germany) GmbH.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Equinix (Germany) GmbH to pay the costs.

(¹) OJ C 379, 8.12.2012.

Judgment of the General Court of 21 November 2013 — Recaro v OHIM — Certino Mode (RECARO)

(Case T-524/12) (¹)

(Community trade mark — Revocation proceedings — Community word mark RECARO — Genuine use of the mark — Article 15(15)(a) of Regulation (EC) No 207/2009 — Nature of the use of the mark — Admissibility of new evidence — Article 76(2) of Regulation No 207/2009 — Obligation to state reasons — Article 75 of Regulation No 207/2009)

(2014/C 9/38)

Language of the case: English

Parties

Applicant: Recaro Holding GmbH, formerly Recaro Beteiligungs-GmbH (Stuttgart (Germany)) (represented by: J. Weiser, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: Certino Mode SL (Elche (Spain))

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 6 September 2012 (Case R 1761/2011-1) relating to revocation proceedings between Recaro Beteiligungs-GmbH and Certino Mode SL

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Recaro Holding GmbH to pay the costs.

(¹) OJ C 32, 2.2.2013.