

**Judgment of the General Court of 8 October 2014 — Fuchs v OHIM — Les Complices (*Star within a circle*)**

(Case T-342/12) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for a Community figurative mark representing a star within a circle — Earlier Community and national figurative marks representing a star within a circle — Relative ground for refusal — Likelihood of confusion — Distinctive character of the earlier mark — Article 8(1)(b) of Regulation No 207/2009 — Revocation of the earlier Community mark — Continued interest in bringing proceedings — Failure to find that there was no need to adjudicate in part)**

(2014/C 421/43)

Language of the case: English

**Parties**

*Applicant:* Max Fuchs (Freyung, Germany) (represented by: C. Onken, 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:* Les Complices SA (Montreuil-sous-Bois, France)

**Re:**

Action brought against the decision of the Fifth Board of Appeal of OHIM of 8 May 2012 (Case R 2040/2011-5), relating to opposition proceedings between Les Complices SA and Max Fuchs.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Mr Max Fuchs to pay the costs.

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<sup>(1)</sup> OJ C 295, 29.9.2012.

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**Judgment of the General Court of 16 October 2014 — Novartis v OHIM — Tenimenti Angelini (LINEX)**

(Case T-444/12) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark LINEX — Earlier national word mark LINES PERLA — Relative ground for refusal — Likelihood of confusion — Article 76(1), in fine, of Regulation (EC) No 207/2009 — Article 8(1)(b) of Regulation No 207/2009)**

(2014/C 421/44)

Language of the case: English

**Parties**

*Applicant:* Novartis AG (Basel, Switzerland) (represented by: M. Douglas, lawyer)

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

*Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court:* Tenimenti Angelini SpA (Montalcino, Italy) (represented by: R. Almaraz Palmero, lawyer)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2012 (Case R 414/2011-4), relating to opposition proceedings between Tenimenti Angelini SpA and Novartis AG.

**Operative part of the judgment**

*The Court:*

- 1) *Annuls the decision of the Fourth Board of Appeal of the Office for the Harmonisation of the Internal Market (Trade Marks and Designs) (OHIM) of 6 August 2012 (Case R 414/2011-4);*
- 2) *Orders OHIM to bear its own costs and pay those incurred by the applicant;*
- 3) *Orders the intervener to bear its own costs.*

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<sup>(1)</sup> OJ C 399, 22.12.2012.

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**Judgment of the General Court of 15 October 2014 — El Corte Inglés v OHIM**

(Case T-515/12) <sup>(1)</sup>

***(Community trade mark — Opposition proceedings — Application for Community word mark The English Cut — Earlier national word and Community figurative marks El Corte Inglés — Relative grounds for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009 — No likelihood of association — Connection between the signs — No similarity between the signs — Article 8 (5) of Regulation No 207/2009)***

(2014/C 421/45)

*Language of the case: Spanish*

**Parties**

*Applicant:* El Corte Inglés (Madrid, Spain) (represented by: E. Seijo Veiguela, J.L. Rivas Zurdo and I. Munilla Muñoz, lawyers)

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

*Other party to the proceedings before the Board of Appeal of OHIM:* The English Cut SL (Málaga, Spain)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 6 September 2012 (Case R 1673/2011-1) relating to opposition proceedings between El Corte Inglés SA and The English Cut S.L.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders El Corte Inglés SA to pay the costs.*

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<sup>(1)</sup> OJ C 26, 26.1.2013.