

Judgment of the General Court of 9 April 2014 — Ferring v OHIM — Tillotts Pharma (OCTASA)**(Case T-502/12) ⁽¹⁾****(Community trade mark — Opposition proceedings — Application for Community word mark OCTASA — Earlier national, Benelux and international word marks PENTASA and OCTOSTIM — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2014/C 175/53)

Language of the case: English

Parties

Applicant: Ferring BV (Haarlem, Netherlands) (represented initially by I. Fowler, Solicitor, A. Renck and J. Fuhrmann, lawyers, and subsequently by I. Fowler, A. Renck and D. Slopek, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Tillotts Pharma AG (Ziefen, Switzerland) (represented by: T. Alkin, Barrister)

Re:

Action against the decision of the Fourth Board of Appeal of OHIM of 6 September 2012 (Case R 1216/2011-4), concerning opposition proceedings between Ferring BV and Tillotts Pharma AG.

Operative part of the judgment

The Court:

1. Annuls the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 6 September 2012 (Case R 1216/2011-4);
2. Orders OHIM to bear its own costs and to pay half of the costs incurred by Ferring BV;
3. Orders Tillotts Pharma AG to bear its own costs and to pay half of the costs incurred by Ferring.

⁽¹⁾ OJ C 26, 26. 1. 2013.

Judgment of the General Court of 11 April 2014 — Olive Line International v OHIM (OLIVE LINE)**(Case T-209/13) ⁽¹⁾****(Community trade mark — Application for registration of the Community figurative mark OLIVE LINE — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)**

(2014/C 175/54)

Language of the case: Spanish

Parties

Applicant: Olive Line International, SL (Madrid, Spain) (represented by: M. Aznar Alonso, lawyer)

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

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 31 January 2013 (Case R 1447/2012-1) concerning an application for registration of the figurative sign OLIVE LINE as a Community trade mark.