

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

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 23 July 2012 (Case R 1693/2011-1) concerning an application for registration of a sign consisting of fixing of a metal button in the middle section of the ear of a soft toy as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Margarete Steiff GmbH to pay the costs.

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(<sup>1</sup>) OJ C 366, 24.11.2012.

**Judgment of the General Court of 16 January 2014 — Steiff v OHIM (Fabric tag with metal button in the middle section of the ear of a soft toy)**

(Case T-434/12) (<sup>1</sup>)

*(Community trade mark — Application for a Community trade mark consisting of a fabric tag with metal button in the middle section of the ear of a soft toy — Absolute ground for refusal — Lack of distinctiveness — Article 7(1)(b) of Regulation (EC) 207/2009)*

(2014/C 52/67)

*Language of the case: German*

**Parties**

*Applicant:* Margarete Steiff GmbH (Giengen an der Brenz, Germany) (represented by: D. Fissl, lawyer)

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

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 19 July 2012 (Case R 1692/2011-1) concerning an application for registration of a sign consisting of a fabric tag with metal button in the middle section of the ear of a soft toy as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Margarete Steiff GmbH to pay the costs.

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(<sup>1</sup>) OJ C 366, 24.11.2012.

**Judgment of the General Court of 13 January 2014 — LaserSoft Imaging v OHIM (WorkflowPilot)**

(Case T-475/12) (<sup>1</sup>)

*(Community trade mark — Application for Community word mark WorkflowPilot — Absolute grounds for refusal — Descriptive character — Article 7(1)(c) of Regulation (EC) 207/2009)*

(2014/C 52/68)

*Language of the case: German*

**Parties**

*Applicant:* LaserSoft Imaging AG (Kiel, Germany) (represented by: J. Hunnekuhl, lawyer)

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

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 6 August 2012 (Case R 480/2012-4), concerning an application for registration of the word mark WorkflowPilot as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders LaserSoft Imaging AG to pay the costs.

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(<sup>1</sup>) OJ C 9, 12.1.2013.

**Judgment of the General Court of 16 January 2014 — Optilingua v OHIM — Esposito (ALPHATRAD)**

(Case T-538/12) (<sup>1</sup>)

*(Community trade mark — Revocation proceedings — Community figurative mark — Genuine use of the mark — Extent of the use — Second subparagraph of Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009)*

(2014/C 52/69)

*Language of the case: French*

**Parties**

*Applicant:* Optilingua Holding SA (Épalingues, Switzerland) (represented by: S. Rizzo, lawyer)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Pétrequin and A. Folliard-Monguiral, acting as Agents)

Other party to the proceedings before the Board of Appeal of OHIM: Michele Esposito (Cava de' Tirreni, Italy)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 8 October 2012 (Case R 444/2011-1) relating to revocation proceedings between Mr Michele Esposito and Optilingua Holding SA.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Optilingua Holding SA to pay the costs.

(<sup>1</sup>) OJ C 38, 9.2.2013.

**Order of the General Court of 19 December 2013 — Marcuccio v Commission**

(Case T-385/13 P) (<sup>1</sup>)

*(Appeal — Civil Service — Action dismissed at first instance as manifestly inadmissible — Application lodged by fax and original subsequently received not the same — Original application lodged out of time — Action out of time — Appeal manifestly unfounded)*

(2014/C 52/70)

Language of the case: Italian

**Parties**

Appellant: Luigi Marcuccio (Tricase, Italy) (represented by: G. Cipressa, lawyer)

Other party to the proceedings: European Commission (represented by: C. Berardis Kayser and G. Gattinara, acting as Agents, and A. Dal Ferro, lawyer)

**Re:**

Appeal against the order of the European Union Civil Service Tribunal (First Chamber) of 14 May 2013 in Case F-17/12 Marcuccio v Commission, not published in the ECR, seeking to have that order set aside.

**Operative part of the order**

1. The appeal is dismissed.
2. Mr Luigi Marcuccio is ordered to bear his own costs and to pay the costs incurred by the European Commission in the appeal proceedings.

(<sup>1</sup>) OJ C 284, 28.9.2013.

**Action brought on 22 November 2013 — Reed Exhibitions v OHIM (INFOSECURITY)**

(Case T-633/13)

(2014/C 52/71)

Language of the case: English

**Parties**

Applicant: Reed Exhibitions Ltd (Richmond, United Kingdom) (represented by: S. Malynicz, Barrister)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

**Form of order sought**

The applicant claims that the Court should:

— Annul the decision of the Fifth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 10 September 2013 given in Case R 1544/2012-5;

— Order the defendant to pay the costs of proceedings.

**Pleas in law and main arguments**

Community trade mark concerned: The word mark 'INFOSECURITY' for goods and services in Classes 16, 35 and 41 — Community trade mark application No 10 155 596

Decision of the Examiner: Partially rejected the CTM application

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Articles 7(1)(b) and (c) and 7(3) CTMR.

**Action brought on 27 November 2013 — Bimbo v OHIM — Cafe' do Brasil (Caffè KIMBO)**

(Case T-637/13)

(2014/C 52/72)

Language in which the application was lodged: English

**Parties**

Applicant: Bimbo, SA (Barcelona, Spain) (represented by: N. Fernández Fernández-Pacheco, lawyer)

Defendant: Office for Harmonization in the Internal Market (Trade Marks and Designs)