

GENERAL COURT

Judgment of the General Court of 3 June 2015 — Pensa Pharma v OHIM — Ferring and Farmaceutisk Laboratorium Ferring (PENSA PHARMA and pensa)

(Joined Cases T-544/12 and T-546/12) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community word mark PENSA PHARMA and Community figurative mark pensa — Earlier national and Benelux word marks PENTASA — Express consent to the registration of the Community trade mark before submission of the application for a declaration of invalidity — Article 53(3) of Regulation (EC) No 207/2009 — Relative grounds for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009 and Article 53(1)(a) of Regulation No 207/2009)

(2015/C 236/43)

Language of the case: English

Parties

Applicant: Pensa Pharma, SA (Valencia, Spain) (represented by: M. Esteve Sanz, M. González Gordon and R. Kunze, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, interveners before the General Court: Ferring BV (Hoofddorp, Netherlands); and Farmaceutisk Laboratorium Ferring A/S (Copenhagen, Denmark) (represented by: initially I. Fowler, Solicitor, A. Renck, V. von Bomhard and D. Slopek, lawyers, subsequently I. Fowler, A. Renck, V. von Bomhard and J. Fuhrmann, lawyer, and lastly I. Fowler and J. Fuhrmann)

Re:

Two actions brought against the decisions of the Fifth Board of Appeal of OHIM of 1 October 2012 (Cases R 1883/2011-5 and R 1884/2011-5), relating to invalidity proceedings between Ferring BV and Farmaceutisk Laboratorium Ferring A/S, on the one hand, and Pensa Pharma SA, on the other.

Operative part of the judgment

The Court:

1. Dismisses the actions;
2. Orders Pensa Pharma, SA, to pay the costs.

⁽¹⁾ OJ C 55, 23.2.2013.

Judgment of the General Court of 4 June 2015 — Stayer Ibérica v OHIM — Korporaciya ‘Masternet’ (STAYER)

(Case T-254/13) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark STAYER — Earlier international word mark STAYER — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) and Article 53(1)(a) of Regulation No 207/2009)

(2015/C 236/44)

Language of the case: English

Parties

Applicant: Stayer Ibérica, SA (Pinto, Spain) (represented by: S. Rizzo, lawyer)