

GENERAL COURT

Judgment of the General Court of 5 June 2012 — Imperial Chemical Industries v European Commission

(Case T-214/06) ⁽¹⁾

(Competition — Agreements, decisions and concerted practices — Methacrylates market — Decision finding an infringement of Article 81 EC and Article 53 of the EEA Agreement — Participation in a part of the cartel — Rights of the defence — Fines — Obligation to state the reasons on which the decision is based — Gravity of the infringement — Deterrent effect — Equal treatment — Proportionality — Principle of sound administration — Cooperation during the administrative procedure — Duration of procedure — Reasonable time)

(2012/C 209/10)

Language of the case: English

Parties

Applicant: Imperial Chemical Industries Ltd, formerly Imperial Chemical Industries plc (London, United Kingdom) (represented: initially by D. Anderson QC, H. Rosenblatt, B. Lebrun, lawyers, W. Turner, S. Berwick and T. Soames, Solicitors, subsequently by R. Wesseling and C. Swaak and lastly by R. Wesseling, C. Swaak and F. ten Have, lawyers)

Defendant: European Commission (represented: initially by V. Bottka, I. Chatzigiannis and F. Amato, subsequently by V. Bottka, I. Chatzigiannis and F. Arbault and lastly by V. Bottka and J. Bourke, Agents)

Re:

Application for annulment of Article 2(c) of Commission Decision C(2006) 2098 final of 31 May 2006 relating to a proceeding pursuant to Article 81 EC and Article 53 of the EEA Agreement (Case COMP/F/38.645 — Methacrylates), or, in the alternative, a reduction of the fine imposed under that provision.

Operative part of the judgment:

The Court:

1. Dismisses the action;
2. Orders Imperial Chemical Industries Ltd to pay the costs.

⁽¹⁾ OJ C 237, 30.9.2006.

Order of the General Court of 16 May 2012 — La City v OHIM — Bücheler and Ewert (citydogs)

(Case T-444/09) ⁽¹⁾

(Community trade mark — Appointment of a new representative — Applicant's failure to act — No need to adjudicate)

(2012/C 209/11)

Language of the case: German

Parties

Applicant: La City (La Courneuve, France) (represented initially by: S. Bénoliel-Claux, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented initially by: S. Schäffner and R. Pethke, Agents)

Other parties to the proceedings before the Board of Appeal of OHIM intervening before the General Court: Andreas Bücheler and Konstanze Ewert (Engelskirchen, Germany) (represented by: G. Würtenberger and R. Kunze, lawyers)

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 5 August 2009 (Case R 233/2008-1) relating to opposition proceedings between (1) La City and (2) Mr Andreas Bücheler and Ms Konstanze Ewert.

Operative part of the order

1. There is no need to adjudicate on the present action.
2. La City, the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) and Mr Andreas Bücheler and Ms Konstanze Ewert shall each bear their own costs.

⁽¹⁾ OJ C 11, 16.1.2010.

Action brought on 30 April 2012 — Roland v OHIM — Textiles Well (wellness inspired by nature)

(Case T-191/12)

(2012/C 209/12)

Language in which the application was lodged: English

Parties

Applicant: Roland SE (Essen, Germany) (represented by: O. Rauscher and C. Onken, lawyers)

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

Other party to the proceedings before the Board of Appeal: Textiles Well SA (Le Vigan, France)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 15 February 2012 in case R 2552/2010-1;
- Reject the Opposition No 1299967; and
- Order the Office for Harmonisation in the Internal Market (Trade Marks and Designs) and the other party to the proceedings before the Board of Appeal to bear the costs.

Pleas in law and main arguments

Applicant for a Community trade mark: The applicant

Community trade mark concerned: The international figurative mark 'wellness inspired by nature', for goods in class 25 — Community trade mark application No W00924808

Proprietor of the mark or sign cited in the opposition proceedings: The other party to the proceedings before the Board of Appeal

Mark or sign cited in opposition: Community trade mark registration No 527630 of the word mark 'WELL', for goods in class 25; French trade mark registration No 99804486 of the word mark 'WELLNESS', for goods in class 25

Decision of the Opposition Division: Upheld the opposition and refused protection to the international registration for all the contested goods

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(1)(b) of Council Regulation No 207/2009.

Action brought on 30 April 2012 — Advance Magazine Publishers v OHIM — Bauer Consumer Media (GOLF WORLD)

(Case T-194/12)

(2012/C 209/13)

Language in which the application was lodged: English

Parties

Applicant: Advance Magazine Publishers, Inc. (New York, United States) (represented by: R. Hacon, Barrister)

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

Other party to the proceedings before the Board of Appeal: Bauer Consumer Media Ltd (Peterborough, United Kingdom)

Form of order sought

- Annul the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 9 February 2012 in case R 239/2011-1;
- Refuse the application in suit for all goods and services for which it was published for opposition;
- Alternatively, the evidence of use be deemed sufficient and the opposition be remitted to the Opposition Division to determine the issue of the conflict between the marks in question; and
- Award to the opponent its costs in the opposition proceedings, the proceedings before the Board of Appeal and in this appeal and that the appeal fees be refunded.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The figurative mark 'GOLF WORLD', for goods and services in classes 9, 16, 35, 38 and 41 — Community trade mark application No 7070147

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Benelux trade mark registration No 465586 of the word mark 'GOLF WORLD', for goods in class 16; Danish trade mark registration No 541/1991 of the word mark 'GOLF WORLD', for goods in class 16; French trade mark registration No 1551025 of the word mark 'GOLF WORLD', for goods in class 16; Greek trade mark registration No 96430 of the word mark 'GOLF WORLD', for goods in class 16; Italian trade mark registration No 575282 of the word mark 'GOLF WORLD', for goods in class 16; Spanish trade mark registration No 1308477 of the word mark 'GOLF WORLD', for goods in class 16; Swedish trade mark registration No 229611 of the word mark 'GOLF WORLD', for goods in class 16; Portuguese trade mark registration No 259281 of the word mark 'GOLF WORLD', for goods in class 16; Irish trade mark registration No 113474 of the word mark 'GOLF WORLD', for goods in class 16