

GENERAL COURT

Judgment of the General Court of 22 October 2015 — Enosi Mastichoparagagon v OHIM — Gaba International (ELMA)

(Case T-309/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — International registration designating the European Community — Word mark ELMA — Earlier Community word mark ELMEX — Refusal to register — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 406/28)

Language of the case: English

Parties

Applicants: Enosi Mastichoparagagon Chiou (Chios, Greece) (represented by: A.-E. Malami, lawyer)

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, intervening before the General Court: Gaba International Holding GmbH (Therwil, Switzerland) (represented by: G. Schindler, M. Zintler and P. Nagel, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 26 March 2013 (Case R 1539/2012-4) relating to opposition proceedings between Gaba International Holding GmbH and Enosi Mastichoparagagon Chiou.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Enosi Mastichoparagagon Chiou to pay the costs.

⁽¹⁾ OJ C 2263, 3.8.2013.

Judgment of the General Court of 21 October 2015 — Petco Animal Supplies Stores v OHIM — Gutiérrez Ariza (PETCO)

(Case T-664/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community word mark PETCO — Earlier Community figurative mark PETCO — Relative ground for refusal — Article 8(1)(b) of Regulation (EC) No 207/2009 — Suspension of the administrative proceedings — Rule 20(7)(c) and Rule 50(1) of Regulation (EC) No 2868/95 — Plea which does not support the form of order sought — Prohibition on ruling ultra petita — Inadmissibility)

(2015/C 406/29)

Language of the case: English

Parties

Applicant: Petco Animal Supplies Stores, Inc. (San Diego, California, United States) (represented by: C. Aikens, Barrister)