

Judgment of the General Court of 7 May 2015 — Cosmowell v OHIM — Haw Par (GELENKGOLD)(Case T-599/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark GELENKGOLD — Earlier Community figurative mark representing a tiger — Relative ground for refusal — Likelihood of confusion — Alteration of the distinctive character of the earlier mark — Phonetic similarity of the signs — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2015/C 205/39)

Language of the case: German

Parties

Applicant: Cosmowell GmbH (Sankt Johann in Tirol, Austria) (represented by: J. Sachs, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Haw Par Corp. Ltd (Singapore, Singapore) (represented by: C. Schultze, J. Ossing, R.-D. Härer, C. Weber, H. Ranzinger, C. Brockmann and C. Gehweiler, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 September 2013 (Case R 2013/2012-4), relating to opposition proceedings between Haw Par Corp. Ltd and Cosmowell GmbH.

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 5 September 2013 (Case R 2013/2012-4);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay half of the costs incurred by Cosmowell GmbH during both the proceedings before the Court and the Board of Appeal;
4. Orders Haw Par Corp. Ltd to bear its own costs and to pay half of the costs incurred by Cosmowell during both the proceedings before the Court and the Board of Appeal.

⁽¹⁾ OJ C 39, 8.2.2014.

Judgment of the General Court of 5 May 2015 — Lidl Stiftung v OHIM — Horno del Espinar (Castello)(Case T-715/13) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the figurative Community mark Castello — Earlier national figurative mark ‘Castelló’ — Relative ground for refusal — No likelihood of confusion — Article 8(1)(b) of Regulation No (EC) 207/2009 — Right to be heard — Second sentence of Article 75 of Regulation No 207/2009)

(2015/C 205/40)

Language of the case: English

Parties

Applicant: Lidl Stiftung & Co. KG (Neckarsulm, Germany) (represented by: M. Wolter, M. Kefferpütz and A. Marx, lawyers)