

GENERAL COURT

Judgment of the General Court of 3 September 2014 — Unibail Management v OHIM (Representation of two lines and four stars)

(Case T-686/13) ⁽¹⁾

(Community trade mark — Application for a figurative Community trade mark representing two lines and four stars — Absolute ground for refusal — Distinctive character — Article 7(1)(b) and Article 75 of Regulation (EC) No 207/2009 — Absence of concrete assessment — Duty to state reasons)

(2014/C 361/07)

Language of the case: French

Parties

Applicant: Unibail Management (Paris, France) (represented by: L. Bénard, A. Rudoni and O. Klimis, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 3 September 2013 (case R 300/2013-2) concerning an application for registration of a sign representing two lines and 4 stars as a Community trade mark.

Operative part of the judgment

The Court:

1. Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 3 September 2013 (case R 300/2013-2) in so far as it dismissed the appeal of Unibail Management for products and services falling within classes 16, 35, 36, 38, 41 and 42;
2. Orders OHIM to pay the costs.

⁽¹⁾ OJ C 52, 22.2.2014.

Judgment of the General Court of 3 September 2014 — Unibail Management v OHIM (Representation of two lines and five stars)

(Case T-687/13) ⁽¹⁾

(Community trade mark — Application for a figurative Community trade mark representing two lines and five stars — Absolute ground for refusal — Distinctive character — Article 7(1)(b) and Article 75 of Regulation (EC) No 207/2009 — Absence of concrete assessment — Duty to state reasons)

(2014/C 361/08)

Language of the case: French

Parties

Applicant: Unibail Management (Paris, France) (represented by: L. Bénard, A. Rudoni, and O. Klimis, lawyers)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: A. Folliard-Monguiral, agent)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 3 September 2013 (case R 299/2013-2), concerning an application for the registration of a sign representing two lines and five stars as a Community trade mark.

Operative part of the judgment

The Court:

1. *Annuls the decision of the Second Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 3 September 2013 (case R 299/2013-2) in so far as it dismissed the appeal brought by Unibail Management for products and services falling within classes 16, 35, 36, 38, 41 and 42);*
2. *Orders OHIM to pay the costs.*

⁽¹⁾ OJ C 52, 22.2.2014.

Order of the General Court of 17 July 2014 — The Directv Group v OHIM — Bolloré (DIRECTV)

(Case T-722/13) ⁽¹⁾

(Community trade mark — Application for revocation — Withdrawal of the application for revocation — No need to adjudicate)

(2014/C 361/09)

Language of the case: English

Parties

Applicant: The Directv Group, Inc. (El Segundo, United States) (represented by: F. Valentin, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Bolloré (Ergué Gabéric, France) (represented by: S. Legrand, lawyer)

Re:

Action brought against the decision of the Second Board of Appeal of OHIM of 25 October 2013 (Case R 1960/2012-2) concerning opposition proceedings between Bolloré and The Directv Group, Inc.

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *The applicant is ordered to bear its own costs and to pay those of the defendant and the intervener.*

⁽¹⁾ OJ C 112, 14.4.2014.