

# GENERAL COURT

**Judgment of the General Court of 18 February 2016 — Harrys Pubar and Harry's New York Bar v OHIM — Harry's New York Bar and Harrys Pubar (HARRY'S BAR)**

**(Joined Cases T-711/13 and T-716/13) <sup>(1)</sup>**

**(Community trade mark — Opposition proceedings — Application for the Community word mark HARRY'S BAR — Earlier national figurative mark PUB CASINO Harrys RESTAURANG — Partial refusal of registration — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)**

(2016/C 111/21)

*Language of the case: English*

## Parties

*Applicants:* Harrys Pubar AB (Gothenburg, Sweden) (represented by: L.-E. Ström, lawyer) (Case T-711/13); and Harry's New York Bar SA (Paris, France) (represented by: S. Arnaud, lawyer) (Case T-716/13)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: V. Melgar, acting as Agent)

*Other parties to the proceedings before the Board of Appeal of OHIM:* Harry's New York Bar SA (Case T-711/13); and Harrys Pubar AB (intervener before the General Court in Case T-716/13)

## Re:

Two actions brought against the decision of the First Board of Appeal of OHIM of 8 October 2013 (joined Cases R 946/2012-1 and R 995/2012-1), relating to opposition proceedings between Harrys Pubar AB and Harry's New York Bar SA.

## Operative part of the judgment

*The Court:*

1. Annuls, in Case T-711/13, points 1 of the operative part of the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 8 October 2013 (joined Cases R 946/2012-1 and R 995/2012-1), relating to opposition proceedings between Harrys Pubar AB and Harry's New York Bar SA;
2. Dismisses, in Case T-716/13, the action brought by Harry's New York Bar;
3. Orders Harry's New York Bar to bear its own costs, to pay half of the costs incurred by Harrys Pubar in the proceedings before the General Court and to pay the costs incurred by Harrys Pubar in the course of the proceedings before the Board of Appeal of OHIM. OHIM is ordered to bear its own costs and to pay half of the costs incurred by Harrys Pubar in the proceedings before the General Court.

<sup>(1)</sup> OJ C 112, 14.4.2014.