

Judgment of the General Court of 8 December 2015 — *Compagnie générale des établissements Michelin v OHIM — Continental Reifen Deutschland (XKING)*

(Case T-525/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark XKING — Earlier national figurative mark X — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 027/59)

Language of the case: English

Parties

Applicant: Compagnie générale des établissements Michelin (Clermont-Ferrand, France) (represented initially by L. Carlini, and subsequently by E. Carrillo, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the General Court: Continental Reifen Deutschland GmbH (Hanover, Germany) (represented by: S. Gillert, K. Vanden Bossche, B. Köhn-Gerdes and J. Schumacher, lawyers)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 May 2014 (Case R 1522/2013-4), relating to opposition proceedings between Compagnie générale des établissements Michelin and Continental Reifen Deutschland 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 May 2014 (Case R 1522/2013-4);
2. Orders OHIM to bear its own costs and to pay those incurred by Compagnie générale des établissements Michelin;
3. Orders Continental Reifen Deutschland GmbH to bear its own costs.

⁽¹⁾ OJ C 303, 8.9.2014.

Judgment of the General Court of 2 December 2015 — *Information Resources v OHIM (Growth Delivered)*

(Case T-528/14) ⁽¹⁾

(Community trade mark — Application for Community word mark Growth Delivered — Mark consisting of an advertising slogan — Absolute ground for refusal — Lack of distinctive character — Article 7(1)(b) of Regulation (EC) No 207/2009)

(2016/C 027/60)

Language of the case: English

Parties

Applicant: Information Resources, Inc. (Chicago, Illinois, United States) (represented by: C. Schulte, lawyer)