

Judgment of the General Court of 28 January 2016 — Novomatic v OHIM — Simba Toys (African SIMBA)

(Case T-687/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community figurative mark African SIMBA — Prior national figurative mark Simba — Duty to state reasons — Article 75 of Regulation (EC) No 207/2009 — Relative ground for refusal — Likelihood of confusion — Article 8(1)(b) of Regulation No 207/2009)

(2016/C 098/54)

Language of the case: German

Parties

Applicant: Novomatic AG (Gumpoldskirchen, Austria) (represented by: W. Mosing, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM, intervener before the Court: Simba Toys GmbH & Co. KG (Fürth, Germany) (represented by: O. Ruhl, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 11 July 2014 (Case R 2098/2013-4) concerning opposition proceedings between Simba Toys GmbH & Co. KG and Novomatic AG.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Novomatic AG to pay the costs.

⁽¹⁾ OJ C 409, 17.11.2014.

Judgment of the General Court of 27 January 2016 — Montagut Viladot v Commission

(Case T-696/14 P) ⁽¹⁾

(Appeal — Staff cases — Recruitment — Competition to constitute a reserve from which to recruit grade AD 5 administrators — Decision of the selection board not to place the applicant's name on the reserve list — Diploma which does not satisfy the conditions in the notice of competition — Dismissal of the action at first instance)

(2016/C 098/55)

Language of the case: Spanish

Parties

Appellant: Bernat Montagut Viladot (Schaerbeek, Belgium) (represented by: F.A. Rodríguez-Gigirey Pérez and J.A. Simón Sánchez, lawyers)

Other party to the proceedings: European Commission (represented by: I. Galindo Martín and G. Gattinara, acting as Agents)

Re:

Appeal brought against the judgment of the Civil Service Tribunal of the European Union (First Chamber) of 15 July 2014 in *Montagut Viladot v Commission* (F-160/12, ECR-SC, EU:F:2014:190), seeking to have that judgment set aside.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders Mr Bernat Montagut Viladot to pay the costs.

⁽¹⁾ OJ C 409, 17.11.2014.

Judgment of the General Court of 28 January 2016 — TVR Automotive v OHIM — Cardoni (TVR ENGINEERING)

(Case T-781/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the Community figurative mark TVR ENGINEERING — Earlier Community figurative mark TVR — Relative ground for refusal — No similarity between the signs — No likelihood of confusion — Article 8(1)(b) of Regulation (EC) No 207/2009)

(2016/C 098/56)

Language of the case: English

Parties

Applicant: TVR Automotive Ltd (Whiteley, United Kingdom) (represented by: A. von Mühlendahl and H. Hartwig, lawyers)

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

Other party to the proceedings before the Board of Appeal of OHIM: Fabio Cardoni (Milan, Italy)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 8 September 2014 (Case R 2532/2013-4) relating to opposition proceedings between TVR Automotive Ltd and Fabio Cardoni.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders TVR Automotive Ltd to pay the costs.

⁽¹⁾ OJ C 26, 26.1.2015.

Order of the General Court of 21 January 2016 — Proforec v Commission

(Case T-120/15) ⁽¹⁾

(Action for annulment — Registration of a protected geographical indication — Focaccia di Recco col formaggio — Lack of legal interest in bringing proceedings — Inadmissibility)

(2016/C 098/57)

Language of the case: Italian

Parties

Applicant: Proforec Srl (Recco, Italy) (represented by: G. Durazzo, M. Mencoboni and G. Pescatore, lawyers)