

Order of the General Court of 21 January 2016 — BR IP Holder v OHIM — Greyleg Investments (HOKEY POKEY)

(Case T-62/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark HOKEY POKEY — Unregistered earlier national word mark — Proof of use — Right to prohibit use of the mark sought — Article 8(4) of Regulation (EC) No 207/2009 — Right of a Member State — Obligation to state reasons — Raised by the Court of its own motion)

(2016/C 090/20)

Language of the case: English

Parties

Applicant: BR IP Holder LLC (Canton, Massachusetts, United States) (represented by: F. Traub, lawyer and C. Rohsler, Solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM: Greyleg Investments Ltd (Baltonsborough, United Kingdom)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 22 November 2013 (Case R 1091/2012-4) relating to opposition proceedings between BR IP Holder LLC and Greyleg Investments Ltd.

Operative part of the order

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 22 November 2013 (Case R 1091/2012-4).*
2. *Orders OHIM to bear its own costs and to pay those incurred by BR IP Holder LLC.*

⁽¹⁾ OJ C 142, 12.5.2014.

Judgment of the General Court of 27 January 2016 — DF v Commission

(Case T-782/14) ⁽¹⁾

(Appeal — Civil service — Officials — Remuneration — Secondment in the interest of the service — Expatriation allowance — Condition set out in Article 4(1)(b) of Annex VII to the Staff Regulations — Recovery of undue payments)

(2016/C 090/21)

Language of the case: English

Parties

Appellant: DF (Brussels, Belgium) (represented by: A. von Zwehl, lawyer)

Other party to the proceedings: European Commission (represented by: J. Currall and T. Bohr, Agents)

Re:

Appeal against the judgment of the European Union Civil Service Tribunal (Third Chamber) of 1 October 2014, *DF v Commission* (F-91/13, ECR-SC, EU:F:2014:228), seeking to have that judgment set aside in part.

Operative part of the judgment

The Court:

1. Dismisses the appeal;
2. Orders DF to bear his own costs and to pay those incurred by the European Commission in the appeal.

⁽¹⁾ OJ C 89, 16.3.2015.

Judgment of the General Court of 21 January 2016 — Laboratorios Ern v OHIM — michelle menard (Lenah. C)

(Case T-802/14) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for Community word mark Lenah.C — Earlier national word mark LEMA — Relative grounds for refusal — Likelihood of confusion — Article 8 (1)(b) of Regulation (EC) No 207/2009)

(2016/C 090/22)

Language of the case: English

Parties

Applicant: Laboratorios Ern, SA (Barcelona, Spain) (represented by: S. Correa Rodriguez, lawyer)

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

Other party to the proceedings before the Board of Appeal of OHIM: michelle menard GmbH — Berlin cosmetics (Berlin, Germany)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 24 September 2014 (Case R 2260/2013-4) concerning opposition proceedings between Laboratorios Ern, S A and michelle menard GmbH — Berlin cosmetics.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Laboratorios Ern, S A to pay the costs.

⁽¹⁾ OJ C 46, 9.2.2015.

Judgment of the General Court of 21 January 2016 — Rod Leichtmetallräder v OHIM — Rodi TR (ROD)

(Case T-75/15) ⁽¹⁾

(Community trade mark — Invalidity proceedings — Community figurative mark ROD — Earlier national figurative marks RODI — Relative ground for refusal — Likelihood of confusion — Article 8(1) (b) and Article 53(1)(a) of Regulation (EC) No 207/2009 — Earlier opposition proceedings — Rule 39(3) of Regulation (EC) No 2868/95)

(2016/C 090/23)

Language of the case: English

Parties

Applicant: Rod Leichtmetallräder GmbH (Weiden in der Oberpfalz, Germany) (represented by: J. Hellenbrand and J. Biener, lawyers)