

**Judgment of the General Court of 23 October 2015 — David Bonney v OHIM — Bruno (ATHEIST)**(Case T-714/14) <sup>(1)</sup>**(Community trade mark — Opposition proceedings — Application for the Community word mark ATHEIST — Earlier national word mark athé — Relative ground for refusal — Article 8(1)(b) and (2) of Regulation (EC) No 207/2009)**

(2015/C 414/40)

Language of the case: English

**Parties***Applicant:* David Bonney (London, United Kingdom) (represented by: D. Farnsworth, Solicitor)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: initially by L. Rampini, and subsequently by D. Walicka, acting as Agents)*Other party to the proceedings before the Board of Appeal of OHIM:* Vanessa Bruno (Paris, France)**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 5 August 2015 (Case R 803/2013-4), relating to opposition proceedings between Ms Vanessa Bruno and Mr David Bonney.

**Operative part of the judgment***The Court:*

1. Dismisses the action;
2. Orders Mr David Bonney to bear his own costs and to pay those incurred by Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).

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<sup>(1)</sup> OJ C 431, 1.12.2014.**Judgment of the General Court of 23 October 2015 — Geilenkothen Fabrik für Schutzkleidung v OHIM (Cottonfeel)**(Case T-822/14) <sup>(1)</sup>**(Community trade mark — Application for Community word mark Cottonfeel — Absolute grounds for refusal — Lack of distinctive character — Descriptive character — Article 7(1)(b) and (c) of Regulation (EC) No 207/2009)**

(2015/C 414/41)

Language of the case: German

**Parties***Applicant:* Geilenkothen Fabrik für Schutzkleidung GmbH (Gerolstein-Müllenborn, Germany) (represented by: M. Straub, lawyer)*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Hanne, acting as Agent)

**Re:**

Action brought against the decision of the First Board of Appeal of OHIM of 2 October 2014 (Case R 2579/2013-1), concerning an application for registration of the word sign Cottonfeel as a Community trade mark.

**Operative part of the judgment**

*The Court:*

1. *Dismisses the action;*
2. *Orders Geilenkothen Fabrik für Schutzkleidung GmbH to bear its own costs and to pay those incurred by the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM).*

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<sup>(1)</sup> OJ C 46, 9.2.2015.

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**Appeal brought on 28 September 2015 by LM against the order of the Civil Service Tribunal of 14 July 2015 in Case F-109/14, LM v Commission**

**(Case T-560/15 P)**

(2015/C 414/42)

*Language of the case: Italian*

**Parties**

*Appellant:* LM (Ispra, Italy) (represented by: L. Ribolzi, lawyer)

*Other party to the proceedings:* European Commission

**Form of order sought by the appellant**

The applicant claims that the Court should:

— annul the contested order.

**Pleas in law and main arguments**

The present appeal is brought against the order of the Civil Service Tribunal of 14 July 2015 (Case F-109/14), which dismissed as manifestly unfounded an action seeking an order that the Commission pay the appellant, in respect of the survivor's pension which she receives, 35 % of the retirement pension received by her former spouse at the time of his death.

In support of her claims, the appellant submits that the Civil Service Tribunal did not examine her request to increase the pension in accordance with Article 25 the Universal Declaration of Human Rights and the Treaty of Lisbon, which recognise and respect the right of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

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