

Re:

Action brought against the decision of the First Board of Appeal of OHIM of 22 November 2011 (Case R 64/2011-1), relating to opposition proceedings between Chrysal International BV and Chrysamed Vertrieb GmbH

Operative part of the order

1. *There is no longer any need to adjudicate on the action.*
2. *Chrysamed Vertrieb GmbH shall pay the costs.*

⁽¹⁾ OJ C 98, 31.3.2012.

Order of the General Court of 3 February 2014 — Imax v OHIM — Himax Technologies (IMAX)
(Case T-198/13) ⁽¹⁾

(Community trade mark — Opposition — Withdrawal of the opposition — No need to adjudicate)
(2014/C 142/45)

Language of the case: English

Parties

Applicant: Imax Corporation (Mississauga, Canada) (represented by: V. von Bomhard, lawyer, and K. Hughes, solicitor)

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

Other party to the proceedings before the Board of Appeal of OHIM: Himax Technologies, Inc. (Hsinhua, Taiwan)

Re:

Action brought against the decision of the Fifth Board of Appeal of OHIM of 23 January 2013 (Case R 740/2012-5), relating to opposition proceedings between Himax Technologies, Inc. and Imax Corporation.

Operative part of the order

1. *There is no further need to adjudicate on the action.*
2. *The parties shall bear their own costs.*

⁽¹⁾ OJ C 171, 15.6.13.

Action brought on 27 January 2014 — BR IP Holder v OHIM — Greyleg Investments (HOKEY POKEY)

(Case T-62/14)

(2014/C 142/46)

Language in which the application was lodged: English

Parties

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

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs)

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

Form of order sought

The applicant claims that the Court should:

- Annul the decision of the Fourth Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) of 22 November 2013 given in Case R 1091/2012-4;
- Order the defendant to pay the costs of proceedings.

Pleas in law and main arguments

Applicant for a Community trade mark: The other party to the proceedings before the Board of Appeal

Community trade mark concerned: The word mark 'HOKEY POKEY' for 'confectionery' in Class 30 — Community trade mark application No 9 275 678

Proprietor of the mark or sign cited in the opposition proceedings: The applicant

Mark or sign cited in opposition: Earlier, non-registered trade mark 'HOKEY POKEY' claimed to be in use in the United Kingdom for 'confectionery, namely ice cream'

Decision of the Opposition Division: Rejected the opposition in its entirety

Decision of the Board of Appeal: Dismissed the appeal

Pleas in law: Infringement of Article 8(4) CTMR.

Action brought on 14 February 2014 — Société Générale v Commission

(Case T-98/14)

(2014/C 142/47)

Language of the case: French

Parties

Applicant: Société Générale SA (Paris, France) (represented by: P. Zelenko, J. Marthan and D. Kupka, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul Article 2(c) of the European Commission decision No C(2013) 8512 final of 4 December 2013 in the EIRD case in so far as it imposes a fine on Société Générale;
- reduce the amount of the fine imposed by that decision on Société Générale to an appropriate amount;
- order, in any event, the European Commission to pay all the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law.

1. First plea in law, alleging a manifest error of assessment committed by the Commission in the determination of the method of calculating the values of sales, in so far as the values adopted in the contested decision on the basis of that method do not reflect the respective positions of the banks against which the action has been brought on the relevant market during the infringement period (first part). The applicant submits that the Commission has thereby infringed its duty of diligence (second part) and has infringed the principles of equal treatment (third part) and of the protection of legitimate expectations (fourth part).