



Reports of Cases

Order of the Court (Seventh Chamber) of 28 February 2013 — Carrols v OHIM

(Case C-171/12 P)

(Appeal — Community trade mark — Regulation (EC) No 40/94 — Article 51(1)(b) — Community figurative mark Pollo Tropical CHICKEN ON THE GRILL — Application for a declaration of invalidity submitted by the proprietor of the national figurative mark Pollo Tropical CHICKEN ON THE GRILL and the national word mark POLLO TROPICAL — Absolute grounds for invalidity — Bad faith — Inadmissibility)

Appeals — Grounds — Incorrect assessment of the facts and evidence — Inadmissibility — Review by the Court of the assessment of the facts and evidence — Possible only where the clear sense of the evidence has been distorted (Art. 256(1) TFEU; Statute of the Court of Justice, Art. 58, first para.) (see para. 35)

Re:

Appeal against the judgment of the General Court (Eighth Chamber) of 1 February 2012 in Case T-291/09 *Carrols Corp. v OHIM*, by which that Court dismissed an application for annulment of the decision of the First Board of Appeal of OHIM of 7 May 2009 (Case R 632/2008-1), relating to invalidity proceedings between Carrols Corp. and Mr Giulio Gambettola.

Operative part

1. The appeal is dismissed.
2. Carrols Corp. is ordered to pay the costs.