

**Judgment of the General Court of 12 March 2014 — Tubes Radiatori v OHIM — Antrax It (Radiator)**(Case T-315/12) <sup>(1)</sup>

**(Community design — Invalidity proceedings — Registered Community design representing a radiator for heating — Earlier design — Ground for invalidity — Lack of individual character — Overall impression not different — Article 6 and Article 25(1)(b) of Regulation (EC) No 6/2002 — No scope for innovation — Obligation to state reasons)**

(2014/C 129/23)

Language of the case: Italian

**Parties**

*Applicant:* Tubes Radiatori Srl (Resana, Italy) (represented by S. Verea, K. Muraro, M. Balestriero and P. Menapace, lawyers)

*Defendant:* Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by F. Mattina initially, then P. Bullock, Agents)

*Other party to the proceedings before the Board of Appeal of OHIM, intervening before the General Court:* Antrax It Srl (Resana) (represented by L. Gazzola, lawyer)

**Re:**

Action brought against the decision of the Third Board of Appeal of OHIM of 3 April 2012 (Case R 953/2011-3) relating to invalidity proceedings between Antrax It Srl and Tubes Radiatori Srl.

**Operative part of the judgment**

*The Court:*

1. Annuls the decisions of the Third Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 3 April 2012 (Case R 953/2011-3);
2. Dismisses the action as to the remainder;
3. Orders OHIM to bear its own costs and to pay those incurred by Tubes Radiatori Srl;
4. Orders Antrax It Srl to bear its own costs.

<sup>(1)</sup> OJ C 273, 8.9.2012.

**Judgment of the General Court of 12 March 2014 — Globosat Programadora v OHIM — Sport TV Portugal (SPORT TV INTERNACIONAL)**(Case T-348/12) <sup>(1)</sup>

**(Community trade mark — Opposition proceedings — Application for Community word mark SPORT TV INTERNACIONAL — Earlier national figurative mark SPORTV — Relative ground for refusal — Proof of use of the earlier mark — Article 42(2) of Regulation (EC) No 207/2009 and Rule 22 of Regulation (EC) No 2868/95)**

(2014/C 129/24)

Language of the case: English

**Parties**

*Applicant:* Globosat Programadora Ltda (Rio de Janeiro, Brazil) (represented by: S. Micallef, lawyer)

*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, intervener before the General Court:* Sport TV Portugal, SA (Lisbon, Portugal) (represented by: B. Braga da Cruz and J. Pimenta, lawyers)

**Re:**

Action brought against the decision of the Fourth Board of Appeal of OHIM of 23 May 2012 (case R 2079/2010-4), relating to opposition proceedings between Globosat Programadora Ltda and Sport TV Portugal, SA.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Globosat Programadora Ltda to pay the costs.

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<sup>(1)</sup> OJ C 311, 13.10.2012.

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**Judgment of the General Court of 12 March 2014 — Borrajo Canelo and Others v OHIM**

(Case T-381/12) <sup>(1)</sup>

**(Community trade mark — Proceedings for revocation — Community word mark PALMA MULATA — Genuine use — Article 15(1)(a) and Article 51(1)(a) of Regulation (EC) No 207/2009 — Form differing in elements which do not alter the distinctiveness)**

(2014/C 129/25)

Language of the case: Spanish

**Parties**

*Applicants:* Ana Borrajo Canelo (Madrid, Spain); Carlos Borrajo Canelo (Madrid); and Luis Borrajo Canelo (Madrid) (represented by: A. Gómez López, 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 General Court:* Tecnoazúcar (Havana, Cuba) (represented by: J. Carbonell Callicó, lawyer)

**Re:**

Action brought against the decision of the Second Board of Appeal of OHIM of 21 May 2012 (Case R 2265/2010-2) concerning proceedings for revocation between Ana Borrajo Canelo, Carlos Borrajo Canelo and Luis Borrajo Canelo, of the one part, and Tecnoazúcar, of the other.

**Operative part of the judgment**

*The Court:*

1. Dismisses the action;
2. Orders Ms Ana Borrajo Canelo, Mr Carlos Borrajo Canelo and Mr Luis Borrajo Canelo to pay the costs.

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<sup>(1)</sup> OJ C 343, 10.11.2012.

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**Judgment of the General Court of 13 March 2014 — Heinrich v OHIM — Commission (European Network Rapid Manufacturing)**

(Case T-430/12) <sup>(1)</sup>

**(Community trade mark — Invalidity proceedings — Community figurative mark European Network Rapid Manufacturing — Absolute ground for refusal — Imitation of the emblem of an international intergovernmental organisation — Article 7(1)(h) of Regulation (EC) No 207/2009 — Article 6b of the Paris Convention)**

(2014/C 129/26)

Language of the case: German