

Judgment of the General Court of 24 October 2014 — Grau Ferrer v OHIM — Rubio Ferrer (Bugui va)

(Case T-543/12) ⁽¹⁾

(Community trade mark — Opposition proceedings — Application for the figurative Community mark Bugui va — Earlier national figurative mark Bugui and earlier Community figurative mark BUGUI — Relative ground for refusal — Rejection of the opposition — Article 76(2) of Regulation (EC) No 207/2009 — Existence of the earlier mark — Evidence presented in support of the opposition before the Board of Appeal not taken into account — Board of Appeal's discretion — Article 42(2) and (3) of Regulation No 207/2009 — Article 15(1), second paragraph, point (a) of Regulation No 207/2009 — Genuine use of the earlier mark — Form differing in elements which do not alter the distinctive character)

(2014/C 439/36)

Language of the case: Spanish

Parties

Applicant: Xavier Grau Ferrer (Caldes de Montbui, Spain) (represented by: J. Carbonell Callicó, lawyer)

Defendant: Office for Harmonisation in the Internal Market (Trade Marks and Designs) (represented by: S. Palmero Cabezas and A. Folliard-Montgaurial, Agents)

Other parties to the proceedings before the Board of Appeal of OHIM, intervening before the General Court: Juan Cándido Rubio Ferrer (Xeraco, Spain) and Alberto Rubio Ferrer (Xeraco) (represented by: A. Cañizares Doménech, lawyer)

Re:

Action brought against the decision of the Fourth Board of Appeal of OHIM of 11 October 2012 (Joined Cases R 274/2011-4 and R 520/2011-4) relating to opposition proceedings between Xavier Grau Ferrer on the one hand and, on the other hand, Juan Cándido Rubio Ferrer and Alberto Rubio Ferrer.

Operative part of the judgment

The Court:

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 11 October 2012 (Joined Cases R 274/2011-4 and R 520/2011-4);
2. Declares that OHIM is to bear its own costs and orders it to pay the costs incurred by Mr Xavier Grau Ferrer;
3. Declares that Juan Cándido Rubio Ferrer and Alberto Rubio Ferrer are to bear their own costs.

⁽¹⁾ OJ C 55, 23.2.2013.

Order of the President of the General Court of 23 October 2014 — Holistic Innovation Institute v REA

(Case T-706/14 R)

(Application for interim measures — Projects funded by the European Union in the field of research and technological development — Decision refusing participation in certain projects — Application for suspension of operation — Disregard of formal requirements — Inadmissibility)

(2014/C 439/37)

Language of the case: Spanish

Parties

Applicant: Holistic Innovation Institute, SLU (Pozuelo de Alarcón, Spain) (represented by: R. Muñiz García, lawyer)

Defendant: Research Executive Agency (represented by: G. Gascard, acting as Agent)