



## Reports of Cases

### **Judgment of the General Court (First Chamber) of 30 September 2014 — Scooters India v OHIM — Brandconcern (LAMBRETTA)**

**(Case T-51/12)**

(Community trade mark — Revocation proceedings — Community word mark LAMBRETTA — Genuine use of the mark — Partial revocation — Article 51(2) of Regulation (EC) No 207/2009)

1. *Approximation of laws — Trade marks — Directive 2008/95 — Identification of the goods or services concerned by the trade mark — Use of the general indications in the headings of the classes of the Nice classification — Lawfulness — Conditions — Sufficiently clear and precise identification (European Parliament and Council Directive 2008/95) (see para. 21)*
2. *Approximation of laws — Trade marks — Directive 2008/95 — Identification of the goods or services concerned by the trade mark — Use of the general indications in the headings of the classes of the Nice classification — Extent of the resulting protection — Obligation on the applicant to specify the products or services covered by his application (European Parliament and Council Directive 2008/95) (see para. 22)*

#### **Re:**

ACTION brought against the decision of the First Board of Appeal of OHIM of 1 December 2011 (Case R 2312/2010-1), relating to revocation proceedings between Brandconcern BV and Scooters India Ltd.

#### **Operative part**

The Court:

1. Annuls the decision of the First Board of Appeal of the Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) of 1 December 2011 (Case R 2312/2010-1);

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2. Orders OHIM to bear its own costs and to pay those incurred by Scooters India Ltd, including those incurred for the purposes of the proceedings before the Board of Appeal;
3. Orders Brandconcern BV to bear its own costs.